



REPUBLIC OF KENYA



**Ajongo v Republic (Criminal Revision E027 of 2022)
[2022] KEHC 12808 (KLR) (8 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 12808 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL REVISION E027 OF 2022
RE ABURILI, J
AUGUST 8, 2022**

BETWEEN

MICHAEL NASHON AJONGO APPLICANT

AND

REPUBLIC RESPONDENT

*(Being an Application seeking sentence review, arising from conviction
and sentence in Bondo PM Magistrates' Court Criminal Case No.
112/2020 by Hon. S.W. Mathenge, Resident Magistrate on 29/10/2021)*

RULING

1. The convict Michael Nashon Ajongo was convicted on two counts. Count one was grievous harm contrary to Section 234 of the *Penal Code* while Count 2 was assault causing actual bodily harm contrary to Section 251 of the *Penal Code*. He was fined Kshs. 70,000/= in default to serve one year in prison on Count one. On Count 2, he was fined Kshs. 50,000/= in default to serve one year imprisonment. The default sentences to run consecutively. This was on October 29, 2021. The convict has served close to one year in prison.
2. I have considered the Sentence Review Report filed on 2/8/2022 by Mr. Leakey Lugalia Probation Officer, Bondo. From the initial Presentence report, the convict was recommended for non-custodial sentence but the court declined on account of the serious injuries sustained by the Complainant who was against any lenient sentence.
3. The convict has not paid any of the fines imposed. He is 29 years old. He is said to be remorseful. He has not appealed. He is married with one child and his wife is said to be expectant. His family is willing to accept him back home. He was a fisherman and he has been attending to the Prisons Farm and guiding and counseling classes. There is no previous criminal record attributed to him. He is willing to reform.



4. As the convict is almost serving the first one year prison term leaving him with one year on, and as he is remorseful and willing to reform, I hereby order that in the spirit of prison decongestion, the convict Michael Nashon Ajongo shall be released forthwith to serve probation for the remainder of his prison term to be calculated from the date of his release. He shall be under close supervision of the Bondo Probation Officer to be guided and counseled on good behavior and conduct in society.
5. I so order.
6. File closed.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 8TH DAY OF AUGUST, 2022

R.E. ABURILI

JUDGE

