



**Juma & another v Republic (Criminal Revision E024 of 2022)
[2022] KEHC 12823 (KLR) (8 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 12823 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL REVISION E024 OF 2022
RE ABURILI, J
AUGUST 8, 2022**

BETWEEN

GEORGE OKOTH JUMA 1ST APPLICANT

GEORGE OWINO JUMA 2ND APPLICANT

AND

REPUBLIC RESPONDENT

(Being an Application for revision of sentence, arising from conviction and sentence in Siaya Chief Magistrates' Court in Criminal Case No. E896/2021 delivered on 5/4/2022 by Hon. M.O. Wambani, Chief Magistrate)

RULING

1. The convicts George Okoth Juma and George Owino Juma were sentenced to serve 2 years imprisonment in default of payment of fines of Sh. 20,000/= on each of the two counts of assault causing actual bodily harm on 5/4/2022. They are both aged 27 years. They pleaded guilty to the charges and were therefore convicted on their own unequivocal Plea of guilty, and sentenced after the trial Magistrate considered Presentence reports filed by the Probation Officer, on 25/3/2022.
2. The convicts have served only 3 months in prison as they have not paid the fines imposed.
3. From the Probation Officer's reports, the two convicts are dangerous criminals in the community and are not suitable for non-custodial sentence consideration. Even the relatives of the convicts are against the release of the convicts who are said to be violent and fond of cutting people with pangas, with impunity wherever a disagreement arises with those people. That they need to remain in custody to be rehabilitated.
4. That being the case, I find the 2 convicts not suitable for non-custodial or community service order. The request for sentence revision is declined. The convicts to serve full prison terms imposed.



5. File is closed.

6. Orders accordingly.

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

R.E. ABURILI

JUDGE

