



REPUBLIC OF KENYA



**Okaka v Republic (Criminal Revision E006 of 2022)  
[2022] KEHC 12813 (KLR) (8 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 12813 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL REVISION E006 OF 2022  
RE ABURILI, J  
AUGUST 8, 2022**

**BETWEEN**

**JOSEPH ONYANGO OKAKA ..... 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. 609 of 2018 delivered on 23/11/2018 by Hon. J.O. Ong'ondo, Senior Principal Magistrate AND Siaya HC Criminal Revision No. E060 of 2021)*

**RULING**

1. I have considered the sentence review report filed on August 2, 2022 by Elly Eliud Ochieng, Probation Officer, Siaya, on the convict Joseph Onyango Okaka.
2. The convict was sentenced to serve seven (7) years imprisonment by Hon Ong'ondo, Senior Principal Magistrate in Siaya SPM Cr Case No 609/2018 in a judgment delivered on November 23, 2018. This was following a conviction for the offence of grievous harm contrary to Section 234 of the Penal Code.
3. The complainant is his mother's Mary Atieno Okaka.
4. The convict sought for sentence review vide Siaya HC Cr Revision No E060/2021 which application was dismissed on June 28, 2021.
5. From the probation officer's report, the convict is remorseful and his mother the complainant has forgiven him and prays that he be released on Community service order to care for his family which is in dire need.
6. I note that the convict initially filed an appeal before this court which was dismissed.



7. In the said appeal, HCRA 66/2018, the trial court record was availed too, and from my perusal, the convict was sentenced to serve 7 years imprisonment, out of which he has now served close to 4 years (by November 23, 2022).
8. The convict is aged 45 years and while in prison, he is said to have reformed and is ready to be reintegrated back into the society. His mother the complainant, as well as his wife are willing to accommodate him. He has learnt his lessons.
9. The convict is said to be temperamental hence the rest of the community are not sure that he will change once he is released from prison and that they even fear that he might retaliate if released.
10. Having considered all the above, I find that the convict is not suitable for community service order.
11. I however, order that in the spirit of prison decongestion as the convict Joseph Onyango Okaka has served more than 3½ of the 7 years imprisonment, he shall be released on November 24, 2022 to service probation for a period of three years from the date of release. He shall be supervised and guided and counseled on anger management.
12. I so order.
13. File closed.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 8<sup>TH</sup> DAY OF AUGUST, 2022**

**RE ABURILI**

**JUDGE**

