



REPUBLIC OF KENYA



**Ongono v Republic (Criminal Revision E015 of 2022)
[2022] KEHC 12803 (KLR) (8 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 12803 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL REVISION E015 OF 2022
RE ABURILI, J
AUGUST 8, 2022**

BETWEEN

COLLINS ONGONO APPLICANT

AND

REPUBLIC RESPONDENT

(Being an Application seeking revision of sentence, arising from conviction and sentence in Ukwala PM's Court Criminal Case No. 5 of 2020 by Hon. L. N. Sarapai, Principal Magistrate on 10/12/2021)

RULING

1. The convict Collins Ongono was jointly charged with Lucas Ongono Odok with the offence of injuring an animal contrary to Section 338 of the *Penal Code*, the property of Michael Abungu Olalo valued at Kshs. 35,000/=. He denied the offence. He was convicted and sentenced to community service order for one year at Ugunja Probation Office but he breached the CSO conditions, hence he was recalled and a prison term of three years re-imposed on 10/12/2021.
2. I have considered the Sentence Review report filed on 2/8/2022 filed by Noel Vuluku, Probation Officer, Ugunja. She does not recommend Community Service Order having breached the earlier order leading to its revocation. The convict is therefore not suitable for community service, as he is said to have committed a burglary while on CSO. That being the case, the offender is not suitable for CSO.
3. I decline to review the sentence imposed and order that Collins Ong'ono shall serve the full sentence of 3 years imprisonment as imposed by the trial court.
4. File closed.
5. Orders accordingly.

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



R.E. ABURILI
JUDGE

