



REPUBLIC OF KENYA



KENYA LAW
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**Otieno v Republic (Criminal Revision E018 of 2022)
[2022] KEHC 12844 (KLR) (8 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 12844 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL REVISION E018 OF 2022
RE ABURILI, J
AUGUST 8, 2022**

BETWEEN

FREDRICK ONYANGO OTIENO APPLICANT

AND

REPUBLIC RESPONDENT

*(Being an Application seeking revision of sentence, arising from conviction
and sentence in Ukwala PM's Court Criminal Case No. 99 of 2020
delivered on 16/7/2021 by Hon. C.N. Sindani, Principal Magistrate)*

RULING

1. The convict is Fredrick Onyango Otieno. He was convicted and sentenced to pay a fine of Kshs. 100,000/= in default, to serve three years imprisonment. This was on 16/7/2021. He has now served one year in prison. The complainant George Otieno had his forearm amputated in the process of being assaulted as he assisted his father who had been attacked by the convict and others. The victim was a university student and was also left handed.
2. The convict is aged 56 years old. He has a chronic chest problem and is sickly.
3. I have considered the Sentence Review Report filed on 2/8/2022.
4. The victim of the offence is said to have died after being attacked the second time. However, the report does not state which victim is dead since from the evidence of the trial court record, there were more than one victim. One other victim of the attack was the father to George Otieno.
5. The convict is willing to seek forgiveness from the family of the victim. They are a family fighting over land. The victim sustained very severe injuries. The convict is unable to raise the fine imposed on him. He has served one year in prison. The family of the victim who was a university student are unwilling to forgive him. The student was left handed. His future is bleak and the pain suffered cannot



be compensated by a mere apology. I decline to revise the very lenient sentence imposed and order that the convict Fredrick Onyango Otieno completes the remainder of the prison term in prison due to the aggravating injuries inflicted on the victim.

6. File is closed.

7. Orders accordingly.

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

R.E. ABURILI

JUDGE

