



**Mana v Republic (Criminal Revision E035 of 2022)
[2022] KEHC 12581 (KLR) (1 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 12581 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
CRIMINAL REVISION E035 OF 2022
JN KAMAU, J
AUGUST 1, 2022**

BETWEEN

MICHAEL OUMA MANA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant was charged with the offence of assault causing actual bodily harm contrary to section 251 of the Penal Code cap 63 (Laws of Kenya). He had also been charged with being in possession of narcotic drugs contrary to section 3 (1) (b) of the Psychotropic Drugs Control Act No 4 of 1994. He was arrested on 14/9/2020 and arraigned in Court on 15/9/2020 when he pleaded guilty to both charges. He was sentenced on both counts to serve two (2) years imprisonment on 5/10/2020. The sentences were to run consecutively. The earliest date of release by Prisons is 5/6/2023. He has only spent one (1) year and nine (9) months in prison. The Report by Fredrick Otieno Probation/Community Service Order filed on 29/7/2022 recommends that he serve the community service order at Bujumba Chief's office. In view of the fact that he has only served a short sentence, I hereby decline to review the sentence. The Applicant will be at liberty to make a fresh application at the appropriate time for consideration by the Court. Orders accordingly.

DATED AND DELIVERED AT BUSIA ON THIS 1ST DAY OF AUGUST 2022.

J. KAMAU

JUDGE

