



REPUBLIC OF KENYA



**KENYA LAW**  
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**Atieno v Republic (Criminal Revision E050 of 2022)  
[2022] KEHC 13188 (KLR) (20 September 2022) (Ruling)**

Neutral citation: [2022] KEHC 13188 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL REVISION E050 OF 2022  
RE ABURILI, J  
SEPTEMBER 20, 2022**

**BETWEEN**

**AGNES ATIENO ALIAS NIGHT ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Being an Application for sentence revision arising from the conviction and sentence by Hon Benjamin B. Limo in the Chief Magistrate's Court at Siaya in Criminal Case No. 233 of 2020)*

**RULING**

1. I have considered the application for sentence revision dated August 19, 2022. The convict/applicant Agnes Atieno *alias* Night was convicted and sentenced to serve two years imprisonment by Hon Limo B Benjamin, senior resident magistrate on August 18, 2022 for the offence of grievous harm contrary to section 234 of the [Penal Code](#). This was after a full trial of the case conducted by Hon Muthoni Mwangi, resident magistrate.
2. I observe that the applicant was convicted on July 29, 2021 and that she filed for sentence revision immediately she was sentenced. She had not even served one month in prison before filing this application.
3. The offence of grievous harm carries up to life imprisonment. The victim of the offence, Jenipha Achieng Obonyo was viciously attacked and injured by the accused and her accomplices. She sustained very serious injuries including fractured left hand and several lacerations. She lost the partial function of digital finger.
4. I have perused the proceedings before the trial court. There is no irregularity therein and the sentence imposed was lawful and extremely lenient, considering the maximum provided for in law. I find no reason to interfere with it. I decline to revise the sentence imposed. I dismiss the application for Sentence Revision.



5. The convict to serve full sentence.
6. I so order.
7. File closed.

**DATED, SIGNED AND DELIVERED AT SIAYA, THIS 20<sup>TH</sup> DAY OF SEPTEMBER, 2022**

**R.E. ABURILI**

**JUDGE**

