



REPUBLIC OF KENYA



KENYA LAW
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**JOO v Republic (Criminal Revision E097 of 2022)
[2022] KEHC 16779 (KLR) (20 December 2022) (Ruling)**

Neutral citation: [2022] KEHC 16779 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL REVISION E097 OF 2022
RE ABURILI, J
DECEMBER 20, 2022**

BETWEEN

JOO APPLICANT

AND

REPUBLIC RESPONDENT

(Being an Application for sentence revision in Ukwala PM's Criminal Case No. E045 of 2022 delivered by Hon. C.I. Agutu, Senior Resident Magistrate on 28.9.2022)

RULING

1. The convict JOO was sentenced to serve 3 years imprisonment on September 28, 2022 for the offence of attempted murder. The victim is his wife. The source of the quarrel leading to the offence is that he is HIV positive and wanted to have unprotected sex with his discordant wife but she refused, heeding the doctor's advice. The victim nearly died as a result of the vicious assault on her.
2. The probation officer filed a report before sentencing disrecommending a non-custodial sentence owing to the bad character of the convict whose family members do not want to see him at home.
3. As the presentence report is very recent, I find the convict unsuitable for non-custodial sentence. I decline to review his sentence as imposed by the trial court which is extremely lenient.
4. File closed.
5. I so order

DATED, SIGNED AND DELIVERED AT SIAYA, THIS 20TH DAY OF DECEMBER, 2022

R E ABURILI

JUDGE

