



REPUBLIC OF KENYA



KENYA LAW
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**Kitoi v Republic (Criminal Revision E074 of 2022)
[2022] KEHC 16846 (KLR) (20 December 2022) (Ruling)**

Neutral citation: [2022] KEHC 16846 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL REVISION E074 OF 2022
RE ABURILI, J
DECEMBER 20, 2022**

BETWEEN

MICHAEL OWINO KITOI APPLICANT

AND

REPUBLIC RESPONDENT

(Being an Application for sentence revision in Siaya CM's Criminal Case No. E272 of 2022 delivered by Hon. B. Limo, Senior Resident Magistrate on 29.9.2022)

RULING

1. On September 29, 2022, the convict herein Michael Owino Kitoi was sentenced to a fine of Kshs 30,000/= in default to serve 6 months imprisonment. He was arrested on September 21, 2022 for the offence of assault causing actual bodily harm. The presentence report showed that the convict has serious anger outbursts and was unsuitable for non-custodial sentence.
2. The convict has served close to 3 months of the 6 months imprisonment in default of the imposed fine.
3. In the spirit of prison decongestion, I revise his prison term and order that Michael Owino Kitoi shall unless otherwise lawfully held, be released from prison to served unpaid community service at Yala police station for three (3) months.
4. I further order that the children who were in custody of the convict including the victim LA be placed under care and protection by the children's officer, Siaya county, through the court process.
5. File closed.
6. I so order.

Dated, signed and delivered at Siaya, this 20th Day of December, 2022

R.E. ABURILI



JUDGE

