



REPUBLIC OF KENYA



KENYA LAW
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**Malasre v Republic (Criminal Revision E085 of 2022)
[2022] KEHC 16782 (KLR) (20 December 2022) (Ruling)**

Neutral citation: [2022] KEHC 16782 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL REVISION E085 OF 2022
RE ABURILI, J
DECEMBER 20, 2022**

BETWEEN

FRED OMONDI MALASRE APPLICANT

AND

REPUBLIC RESPONDENT

(Being an Application for sentence revision in Siaya CM's Criminal Case No. 36 of 2020 delivered by Hon. J.O. Ong'ondo, Senior Principal Magistrate on 14.10.2021)

RULING

1. On August 8, 2022, this court considered the convict's application for sentence review and declined vide Cr. Revision E007/2022.
2. I have considered the sentence of 4 years imprisonment imposed on October 14, 2021.
3. The convict has served one year. The Probation report is against his release as he reattacked the complainant when he was on bond pending trial and even absconded until a warrant of arrest was issued.
4. I find the convict who was convicted for grievous harm is unsuitable for non-custodial sentence.
5. I decline to revise his sentence.
6. File closed.
7. I so order.

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

R.E. ABURILI

JUDGE

