Odhiambo v Republic (Criminal Revision E109 of 2022) [2022] KEHC 16747 (KLR) (20 December 2022) (Ruling)

Neutral citation: [2022] KEHC 16747 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT SIAYA

CRIMINAL REVISION E109 OF 2022

RE ABURILI, J

DECEMBER 20, 2022

BETWEEN

MARTIN MITO ODHIAMBO ALIAS SIDA ..... APPLICANT

AND

REPUBLIC ..... RESPONDENT

(Being an Application seeking sentence review, arising from conviction and sentence in Bondo PM Magistrates' Court Criminal Case No. E036/2022 by Hon. S. Mathenge, Senior Resident Magistrate on 19/8/2022)

RULING

1. The convict Martin Mito Odhiambo alias Sida was convicted of the offence of grievous harm contrary to section 234 of the *Penal Code*. He pleaded not guilty. The complainant Gordon Odhiambo Ouko suffered very serious debilitating injuries including fractures of the head and deep cuts, as per the medical reports in the file. The convict has served only 4 months of the 11 months imprisonment in default of a fine of Kshs 90,000 imposed. The maximum sentence is life imprisonment. The sentence imposed is too lenient to be revised considering the aggravating circumstances as the complainant nearly lost his life as a result of the injuries.

2. I find the convict not suitable for sentence review unless he pays the fine imposed.

3. File closed. Orders accordingly.

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

R.E. ABURILI

JUDGE