

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CRIMINAL REVISION NO. E022 OF 2021

CORAM: R.E. ABURILI, J

BENARD SHICHENDE SHILIBWA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application for Revision of sentence in Bondo Principal Magistrate Court Cr. Case No. 1058 of 2019 on 18/12/2019 by Hon. E.N. Wasike, Senior Resident Magistrate AND Siaya HC Cr. Revision No. 43 of 2020 dated 23/3/2020)

RULING

1. Benard Shichende Shilibwa was convicted of the offence of stealing by servant contrary to Section 281 of the Penal Code. He was sentenced to serve 2½ years imprisonment on 18/12/2019. He did not appeal. He filed for sentence revision before this court in 2020 vide Criminal Revision No. 43 of 2020 which was dismissed on 23/3/2020.
2. The Probation Report shows that he has not acquired any life skills in prison which is a choice he has made. He maintains that he was innocent yet he was convicted on his own Plea of guilty. I find him dishonest and non-deserving of discretion of the court. Furthermore, this court has exhausted its jurisdiction in revision proceedings.
3. I decline the request for sentence revision which was declined earlier on.
4. The request is dismissed. File closed.
5. Orders accordingly.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 30TH DAY OF JUNE, 2021

R.E. ABURILI

JUDGE