



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT SIAYA**

**CRIMINAL REVISION NO. E013 OF 2021**

**CORAM: R.E. ABURILI, J**

**MICHAEL OMONDI OWAGO.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

*(Being an Application for Revision of sentence in Siaya Principal Magistrate Court Cr. Case No. 1078 of 2018 on 08/11/2018 by Hon. T.M. Olando, Senior Resident Magistrate AND Siaya HC Cr. Appeal No. 65 of 2018 dated 9/7/2019)*

**RULING**

1. The applicant Michael Omondi Owago was convicted of the offence of Manslaughter contrary to Section 202 as read with Section 205 of the Penal Code. He appeared to this court vide HCRA 65 of 2018 which appeal was partially allowed. The conviction was upheld but sentence was reduced to 5 years imprisonment, after the appellant withdrew his appeal against conviction and mitigated.
2. He now wants the 5 years imprisonment reduced further through prison decongestion.
3. I have considered the Probation Officer's report on sentence Review.
4. I find the request for sentence revision devoid of any merit or legal basis. The matter does not fall within Section 3(1) of the Community Service Orders Act for purposes of prison decongestion. This court cannot revise the sentence further, having exhausted its discretion and jurisdiction in the matter.
5. Accordingly, the application for sentence Revision is hereby declined and dismissed.
6. File closed.
7. Orders accordingly.

**Dated, signed and Delivered at Siaya this 30<sup>th</sup> Day of June, 2021**

**R.E. ABURILI**

**JUDGE**