

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CRIMINAL REVISION E020 OF 2021

MAURICE OTIENO SIGUDA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Revision Application from the judgment, conviction and sentence in Bondo P.M's Cr. C. 246 of 2019 by dated 8.5.2020, Hon. J.P. Nandi – Principal Magistrate)

RULING

1. **Maurice Otieno Siguda** was convicted of the offence of **Grievous Harm contrary to Section 234 of the Penal Code**. He appealed out of time vide High **Court Criminal Appeal E019 of 2020** without leave of court and the appeal was struck out. He never sought leave to appeal out of time. He was serving five years imprisonment. He never pleaded guilty to the charge.

2. Punishment for grievous harm upon conviction is up to life imprisonment. This does not fall within **Section 3(1) of the Community service Orders Act**.

The sentence of 5 years imprisonment meted out was out of discretion. It was lenient and lawful. I decline to reverse or interfere with the lawful lenient the sentence imposed on the applicant herein and dismiss the request.

3. Filed Closed.

4. Orders accordingly.

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

R.E. ABURILI

JUDGE