

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CRIMINAL REVISION E016 OF 2021

STEPHEN OWINO OUMA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Revision Application from the judgment, conviction and sentence in Siaya P.M's Cr. C. 419 of 2017 by Hon. J.O. Ong'ondo – P.M. Siaya H.CCRA No. 37 of 2019, by Hon. R.E. Aburili-J

RULING

1. **Stephen Owino Ouma** was convicted of the offence of **Manslaughter contrary to Section 202 as read with Section 205 of the Penal Code**. He was sentenced to serve 7 years imprisonment. He appealed to this court vide HCRA 37 of 2019 which appeal was dismissed vide judgment rendered on 15.9.2020.

2. He has returned to this court with the request for revision of sentence for prison decongestion exercise. I have considered the request and Probation Officer's Report filed on 11.6.2021 which recommends Community Service Order at Ominde Primary School. This court is devoid of jurisdiction to revise the judgment upholding the conviction and sentence imposed considering that this is not a matter that falls within the purview of **Section 3 (1) of the Community Service Orders Act**.

3. Accordingly, the application for sentence Revision is hereby declined and dismissed.

4. Filed Closed.

5. Orders accordingly.

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

R.E. ABURILI

JUDGE