

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

CRIMINAL REVISION E043 OF 2021

STEPHEN OTIENO OUCHO.....APPLICANT

VERSUS

REPUBLICRESPONDENT

(Revision Application from the judgment, conviction and sentence in Bondo PM Cr. Case 966 of 2018 by Hon. E.N.Wasike, SRM Bondo, Siaya HCCRA No. 37 of 2018, by Hon. F.A.Ochieng J. on 26/1/2021)

RULING

1. The Convict **Stephen Otieno Oucho** was convicted of the **offences of Arson contrary to section 332 of the Penal Code and Malicious damage contrary to Section 339(1) of the Penal Code**. He was together with his other co-accused person, sentenced to a fine of KShs.100,000/= in default to serve 3 years imprisonment in Count 1 and in Count II, to a fine of KShs.50,000/= in default to serve 3 years imprisonment.
2. He appealed vide Kisumu High Court Criminal Appeal number 12 of 2019 which appeal as per judgment of Hon. Justice F. A. Ochieng - J., was dismissed on 26.1.2021.
3. This court has no jurisdiction to review the sentence further after the appeal was determined by a concurrent court of competent jurisdiction. The application is devoid of merit. The same is hereby dismissed.
4. Filed Closed.
5. Orders accordingly.

Dated, Signed and Delivered at Siaya this 30th day of June, 2021

R.E. ABURILI

JUDGE