

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CRIMINAL REVISION E060 OF 2021

JOSEPH ONYANGO OKAKA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Application for sentence revision from the judgment, conviction and sentence in SIAYA PM'S MAGISTRATE'S COURT NO. 609 OF 2018 delivered on 23/11/2018 by Hon James Ongondo, Principal Magistrate)

RULING

1. The Applicant herein Joseph Onyango Okaka was convicted of the offence of **grievous harm contrary to section 234 of the Penal Code** after a full trial vide Siaya Principal Magistrate's Criminal Case Number 609 of 2018. He was sentenced to serve seven (7) years imprisonment. He appealed to this court vide Siaya High Court Criminal Appeal Number 66 of 2018 which appeal against conviction and sentence was dismissed on 5th May 2020. He has not lodged any appeal to the Court of Appeal.
2. He is now seeking for sentence Revision. The Probation Officer's Report filed in this Court on 11.6.2021 says that he is remorseful and willing to serve community service.
3. It is important for our probation officers to appreciate the fact that once this court has pronounced itself on a matter substantially by way of a judgment on appeal and more so on sentence, it has no power to revisit that matter and reduce or revise the sentence further.
4. Further, an offence of grievous harm attracts up to life imprisonment and therefore seven years imprisonment which was upheld by this court on appeal is lenient enough not to warrant any further interference or Review. To do otherwise would, in this case, be tantamount to sitting on my own appeal.
5. I decline the request and dismiss, the application for revision, noting that the discretion of this court was fully exercised and exhausted.
6. Orders accordingly.
7. File closed.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 28TH DAY OF JUNE, 2021

R. E. ABURILI

JUDGE