

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CRIMINAL REVISION CASE NO. E030 OF 2021

COSMOS ONYANGO ODHIAMBO.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Application for sentence revision in Bondo Principal Magistrate's Court Criminal Case No 119 of 2020 delivered on 22/5/2020 by Hon J.P.Nandi, principal Magistrate)

RULING

1. The convict Cosmas Onyango Odhiambo was convicted for the offence of **Housebreaking and committing a felony contrary to Section 322(2) of the Penal Code** after he pleaded guilty to the charge before Hon. Nandi, Principal Magistrate, Bondo Law Courts. He was sentenced to serve two (2) years Imprisonment on 22.5.2020. He has not appealed.

2. The sentence was lawful and informed by presentence Report dated 28.3.2020. From that report, the offender gave false particulars of his origin during the interview claiming he was from Ndigwa Sub-Location, Luta Location, Rarieda Sub-County, to the contrary. He is a stranger to the locale that he provided the probation officer with. Although he claims to be remorseful, a non-custodial sentence is unsuitable as he is most likely to abscond. He is a young man aged 20 years old but very deceptive. I decline to revise the lawful sentence imposed by the trial magistrate. The Convict to serve the sentence lawfully imposed. There is no irregularity in the proceedings leading to his Conviction and Sentence. The Probation Officer's Report filed in court on 11.6.2021 does not recommend for a non-custodial Community Service Order sentence. The request for sentence Revision is therefore declined and dismissed.

3. Orders accordingly.

4. File closed.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 25TH DAY OF JUNE, 2021

R. E. ABURILI

JUDGE