

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

CRIMINAL REVISION NO. E058 OF 2021

CORAM: R.E. ABURILI, J

WILLIAM OPANY OTING.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application for Revision of sentence in Siaya Principal Magistrate Court

Cr. Case No. 330 of 2019 on 24/7/2020 by Hon. M. Mwangi, Resident Magistrate

AND Siaya HC Cr. Revision No. 20 of 2020 on 19/3/2020)

RULING

1. The applicant **William Opany Oting** was convicted of the offence of arson contrary to Section 332(a) of the Penal Code and sentenced to serve 3 years imprisonment. He filed HCR Revision 20 of 2020 which was heard and dismissed on 19/3/2020 with reasons contained in that Ruling.
2. He has filed this application and from the Probation Report filed on 11/6/2021, he has not reformed even after staying in prison for over one year. His family members are still afraid of him, having threatened to eliminate them especially the complainant and all the witnesses who testified against him.
3. This is a person that must be placed under watch. He is dangerous to the community. He justifies his actions by saying that he had the right to burn the house of the Complainant who terminated her relationship of being inherited by the convict.
4. The application is an abuse of court process. The same is hereby declined and dismissed.
5. File closed.
6. Orders accordingly.

Dated, signed and Delivered at Siaya this 28th Day of June, 2021

R.E. ABURILI

JUDGE