

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

CRIMINAL REVISION CASE NO. E063 OF 2021

NICHOLAS OTIENO CHIAJI.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Appeal from the judgment, conviction and sentence in Siaya P.M's Magistrates Court

No. 1191 of 2019 on 18.3.2021 by Hon. Muthoni Mwangi – Resident Magistrate)

RULING

1. The Convict Nicholas Otieno Chiaji was Convicted of the offence of **obtaining Money by false pretences contrary to section 313 of the Penal Code**. He has not appealed against conviction and sentence. He was given an option of a fine of KShs.100,000/= in default to serve one year imprisonment.
2. I have considered the proceedings before the trial Court, circumstances under which the offence was committed and the Probation Officer's Report filed on 14.6.2021. I am not satisfied that the Convict deserves Community Service Order having served only 2 months of the one year imprisonment and the Complainant lost her hard earned money which the trial Court had directed that should the fine be paid, she be paid KShs.85,000/=.
3. I decline to revise the sentence imposed which was lawful and very lenient as the trial Court had considered a Probation Officer's presentence Report dated 1.2.2021 filed by Mr. O. Odumba.
4. The Convict to serve and complete sentence in prison.
5. File closed.

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

R. E. ABURILI

JUDGE