

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CRIMINAL REVISION CASE NO. E027 OF 2021

SHADRACK OMONDI OMONDIAPPLICANT

VERSUS

REPUBLICRESPONDENT

(Application for sentence revision from the judgment, conviction and sentence in UKWALA SRM'S MAGISTRATES COURT Cr Case No. 631 of 2019 delivered on 4.9.2020 by Hon. C.I. Agutu – Senior Resident Magistrate)

RULING

1. The Convict Shadrack Omondo Omondi is serving three years imprisonment for the offences of **Burglary contrary to section 304 (2) and Stealing contrary to section 279 (b) of the Penal Code**. The trial court appears to have sentenced him on one limb only and not on the other limb. The presentence Report filed by Catherine Amimo dated 10.1.2020 shows that he is a sly young man and a recurring criminal. He has poor community ties and abused cannabis sativa.
2. The current report filed on 15.6.2021 does not refer to the earlier report to indicate what has changed to warrant placement on Community Service Order. The offences are serious and he was given lawful lenient sentence on one limb only. There is no ground for revision of such sentence. I decline the request and dismiss the application.
3. File closed.
4. Orders accordingly.

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

R. E. ABURILI

JUDGE