

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

CRIMINAL REVISION E039 OF 2021

BENARD OKWIRI AGWINDU ALIAS BEN.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application for Revision of sentence in Bondo PMCCRC 480 of 2019

on 11.11.2020 by Hon. J.P. Nandi - Principal Magistrate)

RULING ON REVISION

1. The Convict Bernard Okwiri Agwindu alias Ben was convicted of the offence of stealing by servant after a full trial. He was sentenced to serve one year imprisonment commencing 11.11.2020 by Hon. J.P. Nandi, Principal Magistrate, Bondo Law Courts.
2. The convict has not appealed against his conviction and sentence imposed. The proceedings were regularly conducted and the sentence imposed for stealing by servant contrary to **Section 281 of the Penal Code** was lawful and lenient. The Convict has now served about eight months imprisonment and is about to completed sentence.
3. The Probation Officers report filed on 11.6.2021 by Ephemia Kidwoli says the convict has now acquired cooking skills, wished to train in catering and has been counselled while in Prison. He is willing to perform unpaid Community Service. He is aged 27 years old. He is remorseful and his relatives, are willing to empower him to eke a decent living. The victim was his uncle who is said to have forgiven the convict.
4. As the Convict was sentenced to serve one (1) year imprisonment which he is due to complete and as this sentence falls within the purview of **Section 3 (1) of the Community Service Order Act**, I order that the convict Bernard Okwiri Agwindu shall serve unpaid Community Service at the Chief's Office, Central Uyoma Location, for the remainder of his prison term effective the date of release from prison upon service of this order.
5. File closed.
6. Orders accordingly.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 24TH DAY OF JUNE, 2021

R.E. ABURILI

JUDGE