



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CRIMINAL REVISION NO. E033 OF 2021

CORAM: R.E. ABURILI, J

STEPHEN OMONDI ODASO.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application for Revision of sentence against sentence in Bondo PM Court's Criminal Case No. 80 of 2020

on 15.12.2020 by Hon. J.P. Nandi, Principal Magistrate)

RULING

1. I have considered the application for sentence revision. The applicant/convict Stephen Omondi Odaso was convicted of the offences of Burglary contrary to Section 304(2) and Stealing contrary to Section 279 of the Penal Code by Hon. S. Mathenge, Resident Magistrate Bondo Law Courts.
2. He pleaded not guilty to the charge and the case proceeded to full trial. He was sentenced to serve three years imprisonment on each count, sentences to run concurrently.
3. He was a first offender.
4. He pleaded for leniency and reasonable sentence.
5. He had been in prison custody from date of arrest on 7/2/2020. There are no previous records to show that he is a repeat offender.
6. The Probation Report by Ms. Euphemia Kidwoli filed on 11/6/2021 shows that the convict was interviewed and is remorseful. While in prison, he is engaged in building construction, a skill he can utilize given a chance to serve non custodial sentence for seven months proposed, at Barkowino Assistant Chief's Office.
7. He is willing to serve unpaid community service.
8. The sentence imposed was lawful and the proceedings were properly conducted.
9. He has been in custody since February 2020.
10. In view of the recommendation by the Probation Officer, I invoke Section 3 (1) of the Community Service Orders Act and set aside the 3 years imprisonment and order that the convict Stephen Omondi Odaso shall serve nine months (9) unpaid Community Service at Barkowino Assistant Chief's Office under strict and close supervision as required by law. File closed.
11. Orders accordingly.

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

R.E. ABURILI

JUDGE