

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CORAM: A.K NDUNG'U J.

CRIMINAL REVISION NO. 2 OF 2020

GEORGE MORARA BISONGA.....APPLICANT

VERSUS

REPUBLIC through ODPP.....RESPONDENT

(From original conviction and sentence in Criminal Case No. 17 of 2017 of the Principal Magistrate's Court at Ogembo)

JUDGEMENT

I have considered the application. It is clear the trial magistrate exercised discretion in sentencing and therefore correctly applied the principle in the **Muruatetu Case**. No wonder that even when the applicant appealed, this court did not find ground to interfere with the sentence.

The applicant has re-approached this court again over an issue already addressed by the court. This is not tenable in Law.

The sentence for the offence is life imprisonment. A sentence of 15 years as already held by the court in the applicant's appeal is lenient in the circumstances. The application is dismissed.

Dated and delivered at Kisii this 24th day of February 2020.

A.K NDUNG'U

JUDGE

Mr. Otieno, Senior Prosecution Counsel, instructed by Office of Director of Prosecutions.

Applicant in person