



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA A

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CRIMINAL REVISION NO. 50 OF 2020

(CORAM: R. E. ABURILI - J.)

FREDRICK ONYANGO AGORO.....1ST APPLICANT

BENARD EKASEM RONEY.....2ND APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application for Revision of sentence vide Criminal Case No. 43 of 2020

in the Senior Resident Magistrate's Court, Ukwala dated 25.2.2020

before Hon. C.N. Sindani, SRM)

RULING

1. The convicted prisoners in this request for sentence revision are **Fredrick Onyango Agoro and Bernard Ekasem Roney**. They were jointly charged, convicted and sentenced to pay a fine of Kshs. 20,000/= each and in default, to serve eight (8) months imprisonment for the offence of stealing stock contrary to **Section 278 of the Penal Code**.
2. The convicts pleaded guilty to the charge. The Plea from the trial court record was unequivocal.
3. In mitigation, the convicts sought for forgiveness saying they were sorry hence they were sentenced after mitigation. They are also first offenders.
4. The Prisons Officer In charge has send reports dated 29/3/2020 on the character, conduct and discipline of the prisoners which reports are positive. I would have ordered for social inquiry report but for the justifiable restrictions on visitations in prisons to interview prisoners and the prisons authorities, restrictions occasioned by the outbreak of the COVID-19 global pandemic which is threatening to wipe out humanity.
5. For the above reasons, and as the convicts pleaded guilty, are remorseful and are of good character, are first offenders and have served about one month of the 8 months imprisonment which is lawful and extremely lenient sentence, I exercise discretion and order that the convicts **Fredrick Onyango Agoro and Bernard Ekasem Roney** shall be released from prison to service the remainder of their prison terms on suspended sentence on condition that they shall not reoffend for the next twelve (12) months of the date of release in breach of which they shall be recommitted in prison to complete sentence.
6. In addition, the convicts are ordered, upon their release, to report to the nearest police station, and their reporting to be endorsed by the police stations every first Friday of each month until they complete the suspended sentence.
7. The 1st convict **Fredrick Onyango Agoro** to be reporting to the OCS Segwa Police Station whereas the 2nd convict **Benard Ekasem Roney** to be reporting to the OCS Amukura Police Station.
8. Orders accordingly.

Dated, signed and Delivered at Siaya this 30th Day of March, 2020.

R.E. ABURILI

JUDGE