

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CRIMINAL REVISION NO. 52 OF 2020

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

PETER ODONGO ODINYA.....APPLICANT

VERSUS

REPUBLIC..... RESPONDENT

(Being an Application for Revision of sentence vide Criminal Case No. 837 of 2015 in the Principal Magistrate's Court, Bondo dated 9.9.2015 before Hon. M. Obiero, PM)

RULING

1. The convicted prisoner herein **Peter Odongo Odinya** was convicted and sentenced to serve 7 years imprisonment for the offence of stealing stock contrary to **Section 278 of the Penal Code**.

2. He pleaded guilty to the charge. In his mitigation it was noted that he was a first offender and he pleaded for leniency saying he used to work for the Complainant.

The value of the stolen animal (bull) was Kshs. 20,000/= the property of Margaret Adhiambo Janga. The said bull was never recovered. He was sentenced on 9/9/2015. He has therefore served 4 years and 6 months of the 7 years imprisonment meted out.

3. The letter from Officer In charge Kibos Medium Prison filed in this court this 30th March 2020 provides the general conduct, character and discipline of the convict to be good. He has no record of offences against Prison Rules and Discipline.

4. He is also due for release on 9th May 2020 taking into account remission. He is married with 3 children. He has now been trained as a carpenter and the Officer In charge Kibos G.K Medium Prison recommends for the release of the convict on any non-custodial sentence. He is 36 years old.

5. This court is unable to obtain a social inquiry report on the convict due to the necessary restrictions occasioned by COVID-19 pandemic making it impossible for probation officers to visit the convict and his relatives or the complainant for interviews.

6. Based on the report from Officer In charge Kibos G.K Medium Prison and the fact that the convict pleaded guilty and he was a first offender, who has only two months left to complete his sentence, I hereby exercise discretion and order for the release of the convict **Peter Odongo Odinya** from prison forthwith. His sentence is reduced to the period already served.

7. Orders accordingly.

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

R.E. ABURILI

JUDGE