

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

CRIMINAL REVISION NO. 33 OF 2020

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

DOMINIC OTIENO AKAL.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application for revision of sentence vide Principal Magistrate's Court, Bondo Criminal Case No. 529 of 2019 dated 6.8.2019 before Hon. E.N. Wasike, Senior Resident Magistrate)

RULING

1. On 7/8/2019, the convict herein **Dominic Otiemo Akal** was convicted on his own plea of guilty for the offence of stealing contrary to **Section 275 of the Penal Code**.
2. He was sentenced to serve 12 months imprisonment. He mitigated saying he was remorseful and that he has dependants.
3. No Probation report was called for. He is a first offender. I am unable to call for the Probation Report as probation officers are unable to access the inmates due to COVID-19 global pandemic.
4. However, the Prisons Department have availed a report on the convict's general conduct which is said to be good and that he is a remorseful first offender.
5. For the above reasons and as the convict has served about 7½ of the 12 months imprisonment and in view of the need to decongest prisons at this moment in time, I hereby exercise discretion and suspend the remainder of the prison term and order for the release of the convict **Dominic Otiemo Akal** from prison on condition that he shall not reoffend in the next 6 months.
6. Orders accordingly.

Dated, signed and Delivered at Siaya, this 20th Day of March, 2020.

R.E. ABURILI

JUDGE