

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CRIMINAL REVISION NO. 18 'B' OF 2020

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

EVANS OTIENO OCHIENG1ST APPLICANT

VINCENT OKOTH OUMA2ND APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application for revision of sentence vide Principal Magistrate's Court, Siaya Criminal Case No. 135 of 2019 dated 24.7.2019 before Hon. M. Mwangi, Resident Magistrate)

RULING

1. The convicts **Evans Otieno Ochieng and Vincent Okoth Ouma** were convicted for the offence of grievous harm contrary to **Section 234 of the Penal Code** and after mitigations and consideration of the Social Inquiry Reports, they were each ordered to pay compensation in the sum of Kshs. 50,000/- to be paid to the complainant and in default to serve 2 years imprisonment. They have not appealed.
2. They seek for revision of sentence. I have considered the request, the circumstances under which the offence was committed and the debilitating injuries sustained by the victim who is now disabled and unable to fend for his family. The compensation fine would have assisted him seek for treatment.
3. The convicts used lethal weapons to assault the victim. He would have succumbed as the convicts aimed at his head with a panga, and a sword. There was no provocation or justification for the convicts to use such brutal violent force on an individual who was not armed.
4. The convicts denied the offence and there is nothing on record to show their remorse.
5. I find the request for sentence revision unmerited as the punishment for grievous harm is up to life imprisonment. 2 years imprisonment is lawful but extremely lenient for people who tortured their fellow human being and left him for dead.
6. The convicts deserve to be kept away from the victims and the rest of the community as they are deadly dangerous beings.
7. The request is declined and dismissed.
8. Orders accordingly

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

R.E. ABURILI

JUDGE