

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

CRIMINAL REVISION NO. 32 OF 2020

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

GORDON OWUOR LAMEK.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application for revision of sentence vide Principal Magistrate's Court, Bondo

Criminal Case No. 46 of 2020 dated 21.1.2020 before Hon. S. Mathenge, Resident Magistrate)

RULING

1. On 21/1/2020, the convict **Gordon Owuor Lameck** was convicted on his own plea of guilty for the offence of stealing contrary to **Section 268 as read with Section 275 of the Penal Code**. He was sentenced to serve 7 months imprisonment. He was found guilty of stealing a school bag valued at Kshs. 1,500/=.

2. In his mitigation, he said that he would not repeat the offence. He is a first offender. No Probation report was called for and I am unable to call for the same owing to the fact that probation officers are unable to access prisons to interview the inmates due to the necessary restrictions brought about by the outbreak of the COVID-19 global pandemic. However, the Officer Incharge G.K. Prison Siaya did submit a report to this court upon request, saying that the convict is generally good only that he is easily influenced.

3. For the above reason, albeit the convict has served only 2 months in prison of the 7 months imprisonment imposed on him, I exercise discretion and suspend the remainder of the prison term and order for the release of the convict from prison in a bid to decongest prison and warn the convict **Gordon Owuor Lameck** not to reoffend in the next six months or be recommitted to complete sentence.

4. Orders accordingly.

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

R.E. ABURILI

JUDGE