



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT SIAYA**

**CRIMINAL REVISION NO. 31 'B' OF 2020**

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

**MAURICE OULO ONGIRO.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**(Being an Application for revision of sentence vide Principal Magistrate's Court, Bondo Criminal Case No. 219 of 2019 dated 4.1.2018 before Hon. S.W. Mathenge, Resident Magistrate)**

**RULING**

1. The convict herein **Maurice Oulo Ongiro** was convicted and sentenced to pay a fine of Kshs 20,000/= in default to serve 4 months in prison on 14/2/2020. He has now served one month in prison for assaulting his ex-wife ostensibly for refusing to let him in her house after they parted ways 3 years earlier. He had pleaded not guilty and the Prosecution called witnesses to prove their case.
2. He mitigated upon being found guilty, that he had 2 wives, including three complainant victim and 7 children. He sought for forgiveness. He is a first offender. No probation report was called for on the convict.
3. I have considered the request for Sentence Revision for prisons decongestion purposes., the mitigations and the fact that the convict is a first offender and did not use any dangerous or potentially dangerous weapon to assault his ex-wife who sustained minor soft tissue injuries as per the P3 form produced as exhibit. He is also remorseful although I find no justification for assaulting his ex-wife who was not interested in him by kicking and slapping her.
4. He has served one month and five days in prison. He can benefit from prison decongestions. I therefore exercise judicial discretion and suspend the remainder of the prison term and order for the release of the convict **Maurice Oulo Ongiro** from prison with a warning not to reoffend for the next six months breach of which he shall be recommitted to prison to complete sentence.
5. Orders accordingly.

**Dated, signed and Delivered at Siaya, this 20<sup>th</sup> Day of March, 2020.**

**R.E. ABURILI**

**JUDGE**

**FURTHER ORDER**

Upon making the above order on sentence revision, this court has received a report from Officer In charge G.K Prisons Siaya stating that the convict was released upon paying the fine on 2/3/2020.

Accordingly, the order above revising sentence is hereby reviewed and set aside and the file herein is closed.

Orders accordingly.

**Dated, signed and Delivered at Siaya, this 20<sup>th</sup> Day of March, 2020.**

**R.E. ABURILI**

**JUDGE**