



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT SIAYA**

**CRIMINAL REVISION NO. 34 OF 2020**

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

**SAMUEL OTIENO ODAWA.....APPLICANT**

**VERSUS**

**REPUBLIC..... RESPONDENT**

**(Being an Application for revision of sentence vide Principal Magistrate's Court, Bondo Criminal Case No. 151 of 2019 dated 31.1.2020 before Hon. S.W. Mathenge, Resident Magistrate)**

**RULING**

1. The convict **SAMUEL OTIENO ODAWA** is the stepson to the victim of assault causing actual bodily harm. He was convicted after a full hearing and after mitigation he was sentenced to a fine of Kshs. 40,000/= in default to serve 5 months imprisonment on 31/1/2020.
2. He has now served 1½ months imprisonment. He did not mitigate although he was represented by an advocate and that could either be because he is arrogant or he did not find it necessary to do so. He has not appealed.
3. I have considered the request for Sentence Revision, the circumstances under which the offence was committed and the family relationship between the convict and the victim step mother.
4. This is a matter where promotion of reconciliation is necessary, among family members. I exercise discretion and revise the prison sentence and order that the convict whose report on general conduct, discipline and character, from Officer Incharge, Siaya G.K Prison is positive, shall be released from prison on suspended sentence of the remainder of the prison term and upon release he shall be reporting to the OCS, Aram Police Station every month on a Friday commencing 27/3/2020 for the next three months. He is warned not to reoffend for the next one year.
5. Orders accordingly.

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

**R.E. ABURILI**

**JUDGE**