



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT SIAYA**

**CRIMINAL REVISION NO. 22 OF 2020**

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

**STEPHEN OMONDI OBONYO.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

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

**Criminal Case No. 1190 of 2019 dated 18.12.2019 before Hon. M. Mwangi, Resident Magistrate)**

**RULING**

1. The convict **Stephen Omondi Obonyo** was convicted on his own plea of guilty for the offence of manufacturing **changaa** (20 litres of Kangara).
2. He was fined Kshs. 15,000/= in default to serve 6 months imprisonment. He is unable to raise the fine. This was on 18/12/2019 hence he has served 3 months.
3. The Prison's report on his general conduct, discipline and character shows that he is of good conduct and disciplined and remorseful.
4. In mitigation, he urged the convicting court to forgive him as this was his first mistake and that his wife died so he needed to take care of his child. Whether this is true or not that he is a widower and has an orphaned child is not clear as no probation report was called for. Nonetheless, the plea was unequivocal and the convict is remorseful. He has served half of the lawful and lenient 6 months imprisonment as he has not raised the Kshs. 15,000/= fine imposed.
5. Due to the COVID-19 situation, a Probation report may not be forthcoming as Probation officers cannot access prison to interview inmates.
6. For the above reasons, I exercise discretion and in the spirit of prison decongestion, order that the convict **Stephen Omondi Obonyo** shall be released from prison on suspended sentence of the remainder prison term not to reoffend for the next 12 months. Therefore, unless otherwise lawfully held, the convict **Stephen Omondi Obonyo** shall be set at liberty forthwith.
7. Orders accordingly.

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

**R.E. ABURILI,**

**JUDGE**