



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT SIAYA**

**CRIMINAL REVISION NO. 25 OF 2020**

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

**WILLIAM OWINO ONYANGO.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**(Being an Application for revision of sentence vide Principal Magistrate's Court, Siaya Criminal Case No. 77 of 2020 dated 3.2.2020 before Hon. M. Mwangi, Resident Magistrate)**

**RULING**

1. The convict **William Owino Onyango** was convicted on his own plea of guilty for the offence of selling Simba Waragi alcoholic drinks in 36 plastic bottles. He was fined Kshs. 20,000/= in default to serve 6 months imprisonment. He has served 1 month and a half from 3/2/2020. He has not raised the fine and is a first offender.
2. In his mitigation, he stated that he was selling the drinks because he has no job yet his family depends on him. However, obedience to the law is not conditional.
3. The conviction was sound and sentence lawful. However, the social status in this region and the economic conditions of the people, from the mitigation by the convict tells it all. Nonetheless, the convict should engage in other lawful businesses.
4. In the premises, I suspend the remainder of the prison term and order the convict **William Owino Onyango** to be released from prison, not to reoffend in the next 6 months.
5. Orders accordingly.

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

**R.E. ABURILI,**

**JUDGE**