

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CRIMINAL REVISION NO. 23 OF 2020

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

COLLINCE OMONDI ONYANGO.....1ST APPLICANT

KEVIN OMONDI OWINO.....2ND APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application for revision of sentence vide Principal Magistrate's Court, Siaya Criminal Case No. 1065 of 2019 dated 22.11.2019 before Hon. M. Mwangi, Resident Magistrate)

RULING

1. The Pre-sentence Probation Officer's reports filed by Ochieng Ogolla on 18/11/2019 reports clearly shows that the convicts herein COLLINCE OMONDI ONYANGO and KEVIN OMONDI OWINO who were handed one year imprisonment each for the offence of stealing contrary to **Section 275 of the Penal Code**, are habitual offenders who pride in thievery. They are indolent members of the society who derive pleasure in taking alcohol and stealing from others to satisfy their needs. Such behavior must be discouraged by placing the convicts behind bars to learn some life's lessons and to be rehabilitated and to reform. The convicts are still young and must be helped to avoid anti-social behavior.

2. One year imprisonment for stealing is lenient and lawful. I find no reason to revise the sentences imposed in view of the convict's propensity to steal from others as per the Probation Officer's reports.

3. I therefore find that the convicts herein are not suitable to benefit from the long anticipated prison decongestion. I decline the request to revise their respective sentences and order that the convicts Collince Omondi Onyango and Kevin Omondi Owino shall remain in prison and serve full sentences to be rehabilitated and reformed through life's skills training in the Prisons Industries.

4. Orders accordingly.

Dated, signed and delivered at Siaya, this 19th Day of March 2020.

R.E. ABURILI

JUDGE