

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

CRIMINAL REVISION NO. 1 OF 2020

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

SELVESTER OKWA OCHIENG.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application for revision of sentence vide Senior Resident Magistrate's Court,

Ukwala Criminal Case No. 454 of 2018 dated 4.12.2018)

RULING

1. SELVESTER OKWA OCHIENG was convicted of the offence of grievous harm contrary to **Section 234 of the Penal Code** and sentenced to serve 3 years imprisonment on 4/12/2018. He has served about 1 year and four months of the prison term. While in prison he has learnt biblical studies and has filed a recommendation letter from the chaplain, Siaya G.K. Prison. He pleaded not guilty and the matter went to full trial.

2. Grievous harm carries up to life imprisonment upon conviction.

3. The 3 years imposed on his was lawful and very lenient considering the very serious injuries sustained by the complainant victim who deserves justice too and not justice in the form of a slap on the cheek. I find no reason to revise sentence in view of the debilitating injuries suffered by the victim complainant following the attack by the convict. I decline the request for sentence revision and order that the convict shall serve full prison sentence imposed by the trial court.

4. Orders accordingly.

Dated, signed and Delivered at Siaya, this 20th Day of March, 2020.

R.E. ABURILI

JUDGE