



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT SIAYA**

**CRIMINAL REVISION NO. 24 OF 2020**

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

**STEPHEN OUMA OWITI.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

*(Being an Application for revision of sentence vide Principal Magistrate's Court, Siaya Criminal Case No. 46 of 2020 dated 21.1.2020 before Hon. J. Ong'ondo, Principal Magistrate)*

**RULING**

1. On 21/1/2020 the convict **STEPHEN OUMA OWITI** pleaded guilty to 2 counts of being in possession of alcoholic drinks namely 2 litres of Changaa and 6 bottles of **Simba Waragi**.
2. He was fined in Count 1 to pay a fine of Kshs 2,000/= in default to serve 1-month imprisonment and in Count II he was fined Kshs 10,000/= in default to serve 3 months imprisonment. There is no indication as to whether the sentences are to run consecutively or concurrently.
3. The convict is a first offender and mitigated saying he is sorry and that he is a sole bread winner.
4. The plea was unequivocal. The sentences meted out are lawful and lenient. However, as the convict is a first offender and prayed for leniency, the officer in charge GK prisons has filed a positive report on his general conduct, character and industry.
5. In view of the fact that there are more serious offences requiring prison sentences but with petty offenders filling up our prisons, I hereby revise the prison terms imposed on the convict whose social and economic status cannot allow him raise a fine of Kshs 12,000/- and order that the remainder of the prison term be suspended.
6. Accordingly, the convict **Stephen Ouma Owiti** shall be released from prison forthwith on suspended sentence not to reoffend for the next 6 months.
7. Orders accordingly

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

**R.E. ABURILI**

**JUDGE**