

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

CRIMINAL REVISION NO. 26 OF 2020

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

FRANKLINE ONYANGO OCHIENG.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application for revision of sentence vide Principal Magistrate's Court, Siaya Traffic Case No. 11 of 2020 dated 6.2.2020 before Hon. Lester Simiyu, Principal Magistrate)

RULING

1. The convict **FRANKLINE ONYANGO OCHIENG** was sentenced to serve 4 consecutive months in prison for the various traffic offences for which he had been found guilty. The prison terms are in default of fines of between Kshs. 2000/= and Kshs. 1000/= imposed.
2. In addition, the convict is to ensure that the insurance sticker is affixed to the motorcycle before the motorcycle subject of the traffic offences is released to the registered owner thereof. The convict is unable to raise the fines and therefore he is serving the 4 months imprisonment. He has served one and a half months. The plea was unequivocal and the sentences imposed are lawful.
3. However, as the convict was a first offender and the sentences are short, I exercise discretion in the spirit of Prison decongestion and suspend the remainder of the prison terms and order for the release of the convict **Frankline Onyango Ochieng** from prison. However, the order for the valid insurance sticker being fixed on the motor cycle **KMEV 557H Boxer Bajaj** must be fixed before it is released to its lawful owner by the trial court.
4. Orders accordingly

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

R.E. ABURILI

JUDGE