

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CRIMINAL REVISION NO. 29 OF 2020

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

IBRAHIM OTIENO OCHOLA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application for revision of sentence vide Principal Magistrate's Court, Bondo Criminal Case No. 332 of 2019 dated 4.6.2019 before Hon. E.N. Wasike, Senior Resident Magistrate)

RULING

1. The convict **Ibrahim Otieno Ochola** was sentenced to serve 18 months imprisonment for the offence of stealing **contrary to Section 275 of the Penal Code**.
2. He pleaded guilty to the charge. The complainant was his employer. He is a first offender and in mitigation he pleaded for leniency, wanted to settle with the complainant and had children depending on him.
3. No probation report was called for prior to sentencing. I am unable to call for one owing to COVID -19 global pandemic as the probation officers are unable to interview inmates. Nonetheless, upon request by this court, the Officer Incharge G.K Prison has availed a general conduct and character report on the convict while he is in prison, which report is positive. The convict has now served 9 months of the 18 months imprisonment meted. Some of the stolen property was recovered and the complainant withdrew the complaint against the 2nd accused.
4. In the spirit of prison decongestion, I hereby exercise judicial discretion and suspend the remainder of the prison sentence and order for the release of the convict **Ibrahim Otieno Ochola** from prison. He is warned not to reoffend for the next six months breach of which he will be recommitted to complete prison sentence. Therefore, unless otherwise lawfully held, Ibrahim Otieno Ochola is hereby released from prison.
5. Orders accordingly

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

R.E. ABURILI

JUDGE