

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

CRIMINAL REVISION NO. 17 'A' OF 2020

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

JOHN WESONGA OKWARO.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application for revision of sentence vide Principal Magistrate's Court, Siaya vide

Criminal Case No. 1180 of 2018 dated 13.02.2019 before Hon. J. Ong'ondo, Principal Magistrate)

RULING

1. I have considered the request for sentence revision by the prison authorities on behalf of the convict **JOHN WESONGA OKWARO**. The convict has served about one year and one month of the two years' imprisonment meted out on him on 13/2/2019 upon conviction on his own plea of guilty for the offence of stealing contrary **to Section 268 as read with Section 275 of the Penal Code**.
2. The sentence imposed is lawful and lenient. The convict stole 22 chairs belonging to the Complainant. They are valued at Kshs. 19,500/=. He pleaded guilty and pleaded for leniency.
3. He is 39 years old and married to a widow whom he inherited. In his mitigation he indicated his willingness to compensate the complainant but the social inquiry report reveals that he does not have strong family ties and is a new in the area, claiming that he is an orphan.
4. He was a first offender. There is no evidence that he is a habitual criminal. He has served half of the 2 year prison term.
5. In my view, he has learnt some hard lessons. He can be given an opportunity to get back into the community and should he reoffend, the long arm of the law will catch up with him. This court was unable to obtain a social inquiry report on the convict as there are valid restrictions on accessing prisons by the probation officers to interview the inmates owing to the COVID-19 pandemic.
6. For the above reasons, I revise the sentence imposed on the convict **John Wesonga Okwaro**. I set it aside the two years prison term and substitute the remainder of the prison term of one year to suspended sentence.
7. The convict is warned not to commit any offence of whatever nature for the next 6 months from the date of release from prison. Should he breach this order, he shall be rearrested and send to prison to complete one year imprisonment.
8. Orders accordingly.

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

R.E. ABURILI

JUDGE