

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

CRIMINAL REVISION NO. 20 OF 2020

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

WILLIAM OPANY OTING.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

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

Criminal Case No. 330 of 2019 dated 24.7.2020 before Hon. M. Mwangi, Resident Magistrate)

RULING

1. The offence for which the convict **WILLIAM OPANY OTING** was convicted after a full trial carries up to a maximum of life imprisonment but the trial court, after considering mitigation by the convict and a pre-sentencing report, handed him only 3 years imprisonment. Arson is a serious offence. It is a felony.
2. The value of the property destroyed is Kshs. 100,000/=. This was a dwelling house that was set ablaze at night.
3. According to the Probation Officer's report dated 23/7/2019, the convict has a wife and seven children but that his family is afraid of him and even fear that incase he is released he will fulfil his threats to kill them together with the Complainant who is his inherited wife. She is his sister inlaw cum wife.
4. He is 53 years old but is said to be so violent that he brought down a wall from a section of his own house. The convict is described as cruel and violent that he likes fighting especially after consuming alcohol.
5. Despite his plea that he was to undergo an operation, the convict can still receive medical attention while in prison as he is most likely to do more harm to others than good if released on non-custodial sentence.
6. I find the convict unsuitable to benefit from prison decongestion.
7. The request for sentence revision, which sentence is lawful and extremely lenient, is declined and dismissed. The convict **William Opany Oting** to serve full prison term as imposed by the trial court.
8. Orders accordingly.

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

R.E. ABURILI

JUDGE