



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT SIAYA**

**CRIMINAL REVISION NO. 40 OF 2020**

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

**ONYANGO ANTONY ONYANGO .....APPLICANT**

**VERSUS**

**REPUBLIC..... RESPONDENT**

**(Being an Application for revision of sentence in Senior Resident Magistrate's Court, Ukwala vide Criminal Case No. 222 of 2019 dated 6.2.2020 before Hon. C.N. Sindani, Senior Resident Magistrate)**

**RULING**

1. The convict Onyango Antony Onyango is a 20 year old Form Four leaver at Simenya Secondary School. He was arrested while in school on being suspected by the Principal, of having in his possession *cannabis sativa* whose street value is about Kshs. 100/=.
2. He was arraigned before Ukwala SRM's court where he pleaded guilty to the charge, he was convicted and after mitigation and consideration of a probation officer's report, the trial court sentence him to serve probation for one year. This was on 4/7/2019.
3. Later on 6/2/2020, the convict was reported to have breached probation terms which enabled him sit for his KCSE in 2019. The Probation Officer urged the court to deal with the convict in any other way. The trial court, Hon. C.N. Sindani sentenced the convict to serve one year in prison. No appeal has been filed challenging the conviction and sentence.
4. I have perused the trial court record and the Probation Officer's report dated 3/7/2019. I find that the convict was only suitable for probation for purposes of assisting him sit for his KCSE examinations in 2019 as he is reportedly a member of some criminal gang and cult recruiting hardcore criminals. He is violent and extremely disrespectful. He requires total rehabilitation and reformation. Prison term will assist him learn how to live with others and be corrected to be a law abiding citizen. He is a bad influence to other youths in the community. He must be kept out of the society at large for some time because despite the fact that he readily admitted the offence, his social antecedents are dangerous. While in prison he can enroll in life's skills courses and he will not have access to narcotics and psychotropic substances that make him wild and potentially dangerous for the society.
5. In my humble view, the convict is not suitable to be considered for release into the society. I decline to revise the one year imprisonment sentence imposed on him and order that the convict Onyango Antony Onyango shall serve full prison term of one year without any remission to enable him be rehabilitated and reform before being released back into the community.

**Dated, signed and delivered at Siaya, this 19<sup>th</sup> Day of March 2020.**

**R.E. ABURILI**

**JUDGE**