

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

CRIMINAL REVISION NO. 59 OF 2020

EMMANUEL OKELLO OCHIENG.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application for Revision of sentence in Cr. Case No. 684 of 2018 in the Principal Magistrate's Court, Bondo dated 17.05.2019 before Hon. E.N. Wasike, Senior Resident Magistrate)

RULING

1. I have considered the application for sentence revision by the convict Emmanuel Okello Ochieng who was convicted after a full trial and sentenced to serve 3 years imprisonment for the offence of grievous harm.
2. I have called for and perused the trial court record and the P3 form and treatment notes for the victim/complainant.
3. I have also considered the Probation Officer's Report as filed dated 14th July 2020. The victim of the offence is still suffering and is bitter with the convict. Victims of offences deserve justice too justice through punishment of offenders, which punishment must be commensurate with the offence which punishment as imposed I find to be too lenient.
4. I observe that the victim sustained near fatal injuries following the attack by the convict who denied the offence. He did not even accept to have been near the victim on the date and time of the offence.
5. The sentencing remarks by the trial court took into account mitigation which can never be enough for the butchered victim.
6. Conviction for Grievous harm carries up to life imprisonment. Three years imprisonment imposed by the trial court is too lenient to be interfered with through revision. I find this application devoid of merit. **I dismiss the application for sentence revision and order the convict to complete the lenient lawful sentence.**
7. File closed.
8. Orders accordingly.

Dated, signed and Delivered at Siaya, this 24th Day of July 2020.

R.E. ABURILI

JUDGE