



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT SIAYA**

**CRIMINAL REVISION NO. 60 OF 2020**

**JAO.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**(Being an Application for Revision of sentence in Cr. Case No. 852 of 2018 in the Principal Magistrate's Court, Bondo dated 29.10.2019 before Hon. E.N. Wasike, Senior Resident Magistrate)**

**RULING**

1. I have considered the Application for sentence revision.
2. I have considered the offence for which the convict applicant **JAO** was convicted on her own plea of guilty.
3. The offence was attempted arson but from the facts of the offence, the convict was in a way attempting suicide and wanted to die with the complainant's young children by locking them in a house where she was and setting the house on fire. The children are lucky to be alive and so is the convict.
4. The Probation Report as filed shows that the convict had issues with her husband. She is also HIV positive and that she loiters here and there.
5. The offence could have been worse - murder and suicide, had she succeeded in her vengeance.
6. The complainant's children are not responsible for convict's woes. The convict is a young adult who must learn to be a responsible person. She requires life's skills which she can get from prison as she was imprisoned on short term. Three (3) years imprisonment is too lenient as she did not even mitigate.
7. She requires serious rehabilitation and reformation. She can learn many skills which will help her in her future life, while she is in prison.
8. For the above reasons, I decline to revise the lawful lenient sentence imposed on her by the trial court.
9. The application for sentence revision is dismissed.
10. File closed.

**Dated, signed and Delivered at Siaya, this 24<sup>th</sup> Day of July 2020.**

**R.E. ABURILI**

**JUDGE**