



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT SIAYA**

**CRIMINAL REVISION NO. E023 OF 2020**

**MARY AKOTH OPANY.....PETITIONER**

**VERSUS**

**STATE.....RESPONDENT**

**(Being an application of Revision of Sentence in Siaya PMCCRC 150 of 2020**

**delivered on 23.10.2020 before Hon. J. Ongondo - PM)**

**RULING**

1. I have considered the application for Sentence Revision by the convict/applicant MARY AKOTH OPANY. The Convict is serving 5 months imprisonment from 23.10.2020 for being convicted of being found in possession of alcoholic drinks. She pleaded guilty. She was fined KShs.30,000/= which she is unable to pay.

2. The trial Court record shows that she is a first offender. That being the case, and as the Convict has already served ½ of the lawful prison term imposed. I hereby set aside the remainder of the prison term and order for the conditional discharge of the Convict Mary Akoth Opany, from prison, not to re-offend within six months of the date of release in-default she shall be send back to prison to complete sentence.

3. Therefore, unless otherwise lawfully held, Mary Akoth Opany is hereby set at liberty as stated above on a conditional discharge.

4. File closed.

5. Orders accordingly.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 18<sup>th</sup> DAY OF DECEMBER, 2020.**

**R.E. ABURILI**

**JUDGE**