



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT SIAYA**

**CRIMINAL REVISION NO. 24 OF 2019**

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

**JOSEPH OCHIENG ADIT.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

*(An Application seeking Revision of Sentence from Ruling delivered at Ukwala Law Court on 10/6/2019 vide Criminal Case 109 of 2019 before Hon. C.I. Agutu, SRM)*

**RULING**

1. I have considered the application for Sentence Review.
2. The Convict **Joseph Ochieng Adit** was sentenced to serve 2 months in prison or to pay a fine of Kshs. 5,000/= for the offence of carrying excess passengers in a public transport service vehicle.
3. The Probation Officer's Report filed on 24/7/2019 is to the effect that he cannot raise a fine.
4. The sentence is too short to even rehabilitate the offender who is likely to commit the same offence upon release. There are no compelling reasons for this court to consider non-custodial sentence.
5. I decline revision application and dismiss it. The convict to serve the 2 months in prison or pay the fine as imposed by the trial court.

Orders accordingly.

**Dated, signed and Delivered at Siaya, this 29<sup>th</sup> Day of July 2019.**

**R.E. ABURILI**

**JUDGE**