



**REPUBLIC OF KENYA**

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

**CRIMINAL REVISION NO. 35 OF 2019**

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

**LINGATONE DAVID AUTO.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

*(An Application seeking Revision of Sentence from Judgment delivered at Bondo Law Court on 21/2/2019 vide Criminal Case 1066 of 2018 before Hon. E.N. Wasike, SRM)*

**RULING**

1. I have considered the application for sentence revision and the grounds thereof. I have also considered the Probation Officer's Report filed on 23/7/2019.
2. I have taken into consideration the fact that the convict did not plead guilty to the offences charged and took the court and the complainants through the motions of a long hearing for the offence of shop breaking and committing a felony.
3. Despite the mitigations now being placed before the court, I am not satisfied that the Applicants deserve sentence revision as the sentence of three years meted out was very lenient and lawful. I decline the applications for revision of sentence and dismiss the same.
4. Applicants/Convicts to serve full sentence subject to remission qualification.

Orders accordingly.

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

**R.E. ABURILI**

**JUDGE**