

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CRIMINAL DIVISION

SIAYA CR. REV. NO. 46 OF 2019.

ALOYCE OBARE ODINGA APPELLANT

VERSUS

REPUBLICRESPONDENT

(Being a Petition for resentencing following the judgment in Siaya PMCRC No. 588 of 2018 dated 1.8.2019 8 in Siaya PM's Court before Hon. J. Ongondo – PM).

RULING

1. On 1.8.2019 the Convict Aloyce Obare Odinga was sentenced to serve 1 year imprisonment by Siaya P.M's Court in Cr. Case No. 588 of 2017 for the offence of grievous harm contrary to section 234 of the Penal Code. He denied the offence and the trial was conducted fully. The sentence was imposed after a Probation Officer's report dated 1.8.2019 was considered. It is hardly two months ago.
2. The application was made on 19.8.2019 even before serving one month in prison. Circumstances prevailing as at 1.8.2019 when the Probation Officer filed his report which was considered have not changed.
3. The victims was seriously injured. The sentence was lawful and very lenient considering that maxim is life imprisonment.
4. The application for sentence review being premature and not warranted, I dismiss it. The convict to serve full sentence.
5. File closed.0

DATED AT SIAYA THIS 26 DAY OF SEPTEMBER, 2019.

HON. LADY JUSTICE R. E. ABURILI

JUDGE