

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CRIMINAL REVISION CASE NO. 50 OF 2019

JAMES ODHIAMBO NYAWINJA.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

(From Original Conviction and Sentence in Siaya PMCRC No. 891 of 2018 dated 30.7.2019.)

RULING

1. I have considered the application for sentence revision dated 2.9.2019 by Counsel for the Applicant/Convict who was sentenced to serve 4 months imprisonment for the offence of assault causing actual bodily harm. The sentence is lenient and lawful. However, the convict can benefit from non-custodial sentence.

2. I revise the 4 months imprisonment and substitute it with an Order that the Convict James Odhiambo Nyawinja shall be released from prison to serve the remainder of the sentence at Siaya Police Station on unpaid Community service Order.

3. Orders accordingly.

DATED AT SIAYA THIS 26TH DAY OF SEPTEMBER, 2019.

HON. LADY JUSTICE R. E. ABURILI

JUDGE