

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

CRIMINAL DIVISION

SIAYA CR. REV. NO. 297 OF 2018

SAMUEL OGOLLA OPONDO.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an application for Revision of sentence in Ukwala PMCRC No.35 of 2017 dated 31.1.2017)

RULING

1. I have considered the application for sentence revision filed on 20.12.2019 the Probation Report filed on 21.1.2018 but which was never availed for consideration.
2. The Convict was sentenced to serve 15 years imprisonment for the offence of rape on 20.3.2017 by SRM's Court at Ukwala. He is married with three children. He has paralysis on his side after suffering a stroke ten years ago. The home environment was said not to be conducive for his rehabilitation.
3. The Convict was convicted for raping a wife to his employee. The community is bitter and does not want him back. He is 33 years old. The rape ordeal cost the victim her marriage.
4. The Convict is said to be not remorseful and persists denying committing the offence.
5. Having considered all the above, I am satisfied that the Applicant/Convict is not suitable for non-custodial sentence.
6. I decline to revise his sentence which is lawful and order that he serves his full Prison sentence.
7. The Application for sentence revision is dismissed.
8. The file herein is closed.

DATED AT SIAYA THIS 26 DAY OF SEPTEMBER, 2019.

HON. LADY JUSTICE R. E. ABURILI

JUDGE