



**REPUBLIC OF KENYA**

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

**CRIMINAL DIVISION**

**CRIMINAL REVISION NO. 68 OF 2019**

**DICKSON OМУKA.....APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

*(Being an application for Revision of Sentence in Bondo PMCCR (S.O.) Case No. 7 of 2017 dated 3.2.2017).*

**RULING ON SENTENCE REVISION**

1. I have considered the Convict/Applicant's application filed in Court on 14.10.2019 for Sentence Revision.
2. I have also considered the positive recommendation from Siaya G.K. Prison chaplaincy to the effect that the Convict is fully reformed having served 2 years of the 5 years imprisonment imposed on 3.2.2017, for committing on unnatural offence contrary section 162(a) of the Penal Code.
3. The applicant pleaded guilty to the charge and in his mitigation he prayed for leniency. He was aged about 19 years old. He is remorseful and even after filing an appeal vide HCRA 25/2017, he withdrew the said appeal because his conscience pricked him to live with the truth. While in prison, he sat for KCPE and passed very well in 2017. He has learnt carpentry and joinery while in prison and he has also been trained in Biblical Studies and is said **"to be a role model and exemplary to fellow inmates."** This is as per the recommendation letter from the Siaya G.K Prison Chaplaincy filed on 14<sup>th</sup> October, 2019 together with the Revision application herein. It is signed by Daniel Odhiambo Onyango, the Chaplain.
4. Prison is meant to help rehabilitate offenders. The Convict herein **Dickson Omuka Ndistswa** has demonstrated that time heals and that being in prison is not wasteful. It is not a death knell to one's dream.
5. For the foregoing reasons, I am persuaded that the applicant convict deserves an opportunity to leave prison and be reintegrated back into Society. He has served his prison sentence substantially.
6. I allow his application for sentence revision and order that the convict **Dickson Omuka Ndistswa** shall serve the period already served in prison.
7. Therefore, unless otherwise lawfully held, the Convict **Dickson Omuka** is hereby ordered to be released from prison forthwith.

**Dated, Signed and Delivered at Siaya this 29<sup>th</sup> day of October, 2019.**

**R.E. ABURILI**

**JUDGE**