



**REPUBLIC OF KENYA**

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

**CRIMINAL REVISION NO. 103 OF 2019**

**DAVID OCHIENG ONGARO.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

*(Being an Application for Revision of sentence in Criminal Case No. 868 of 2019 at Bondo Principal Magistrate's Court, delivered on 7.9.2019)*

**RULING**

1. The applicant was convicted on his own plea of guilty and was sentenced to serve 120 days in prison after failing to raise a fine of Kshs, 4,000/= for the offence of riding a motorcycle without the following essentials: insurance, driving licence, helmet and reflective jacket. This was on 11/10/2019 vide Bondo PM Traffic Case No. 405/2019.
2. The plea was unequivocal and the sentence is lawful and lenient.
3. The offence is serious and the sentence is lenient and lawful. The convict is however conditionally discharged and ordered not to commit any offence in the next 6 months in breach he shall be send to prison to complete the term.
4. In addition, the convict David Ochieng Ongaro shall not be found riding any vehicle or motorcycle unless he trains with a licenced driving school and obtains a valid driving licence and complies with all requirements of riding a motorcycle on a road.
5. Orders accordingly.

**Dated, signed and Delivered at Siaya this 20<sup>th</sup> Day of December 2019**

**R.E. ABURILI**

**JUDGE**