

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CRIMINAL REVISION NO. 104 OF 2019

HILLARY OCHIENG MIEDHI.....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 30.10.2019)

RULING

1. The convict **Hillary Ochieng Miedhi** was sentenced to serve 4 months imprisonment on 30/10/2019 for the offence of malicious damage to property contrary to Section 339(1) of the Penal Code vide Bondo PM Cr. Case No. 868 of 2019. He has so far served over 1½ months which is half the prison term.
2. The sentence imposed was lawful and lenient. However, in the spirit of prison decongestion, I exercise judicial discretion and revise the remainder of the prison term and order for conditional discharge under Section 35 of the Penal Code. The convict Hillary Ochieng Miedhi shall not to commit any offence in the next six months breach of which he shall be send back to prison to complete the original sentence.
3. Orders accordingly.

Dated, signed and delivered at Siaya this 20th Day of December 2019

R.E. ABURILI

JUDGE