



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT SIAYA**

**CRIMINAL REVISION NO. 106 OF 2019**

**ISMAEL OMONDI ONGUNDO.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**(Being an Application for Revision of sentence in Criminal Case No. 905 of 2019 at Bondo Principal Magistrate's Court, delivered on 8.11.2019)**

**RULING**

1. The convict Ismael Omondi Ogundo was sentenced to serve 3 months imprisonment on 8/11/2019 for the offence of assault causing bodily harm contrary to Section 251 of the Penal Code. This was after he pleaded guilty to the charge, which plea was unequivocal.
2. The sentence is lenient and lawful. The applicant has so far served nearly one month and a half (1 month and 12 days).
3. The convict could however have benefited from an alternative to the short prison term, due to congestion experienced in prisons.
4. Accordingly, I exercise judicial discretion and revise the remainder of the prison term and substitute it with a conditional discharge under Section 35 of the Penal Code and order the convict not to commit any offence in the next 6 months breach of which he shall be returned to prison to complete prison term.
5. File closed.
6. Orders accordingly.

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

**R.E. ABURILI**

**JUDGE**