

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CRIMINAL APPEAL NO. 6 OF 2019

BENARD ODHIAMBO NGONGA.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Appeal against conviction and sentence from original Bondo PMCRC 30 of 2018 dated 1.2.2019 before Hon. E.N. Wasike – S.R.M.)

RESENTENCING

1. This matter is for resentencing. I have considered the Probation Officer's Social inquiry report dated 18.12.2019 on the appellant. I have also considered the fact that the appellant maintains his innocence.
2. I have equally given consideration to the mitigation given in the lower court and the fact that the appellant is a first offender and a family man.
3. I have also considered the seriousness of the offence and its traumatic effect on the victim of the offence. I resentence the appellant to serve ten (10) years in prison. Accordingly, the 15 years' imprisonment is set aside and substituted with 10 years' imprisonment to be calculated from the date of his sentencing on 1.2.2019.
4. Orders accordingly.

Dated, Signed and Delivered at Siaya this 18th Day of December, 2019.

R.E. ABURILI

JUDGE