

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

HC. CR. REV. NO. 57 OF 2018

(CORAM: R. E. ABURILI - J.)

EDWIN ODUOR OCHIENG.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an appeal against the sentence dated 20.12.2016 in Criminal Case No. 502 of 2016 in Ukwala Law Court before Hon. G. Adhiambo - SRM)

JUDGMENT

The Convict **Edwin Oduor Ochieng** was convicted vide SRM's Court at Ukwala Cr. Case No. 502 of 2016 with the offence of *Housebreaking and Stealing and handling stolen goods contrary to Section 304(1)(B) and 279(A)(B) of the Penal Code.*

He was sentenced to serve prison term of 2 years on 20/10/2016 and is due to complete sentence on 19/12/2018. His case comes for revision of sentence as part of prison decongestion.

The matter is before court for prison decongestion consideration for sentence revision.

The County Probation Officer was requested vide email dated 23/3/2018 to prepare sentence review report and file in court but to date no such report has been filed. The sentence meted out on the convict is short term. He can benefit from jail decongestion programe for the remainder of the prison term which is about four months.

Accordingly, I order that the convict Edwin Oduor Ochieng shall be released forthwith from jail to serve Community Service for the period of thirty days at Ukwala SRM's Court under the supervision of the Siaya County Probation Officer. He is expected to adhere to the Probation terms as stipulated in law.

Dated, Signed and Delivered at SIAYA this 31ST day of August 2018.

R.E. ABURILI

JUDGE