

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

HC. CR. REV. NO. 58 OF 2018

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

FELIX ODHIAMBO AGUKO.....APPLICANT/APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an appeal against the sentence dated 20.1.2017 in Criminal Case No. 263 of 2016 in Bondo Law Court before Hon. M. Obiero - PM)

JUDGMENT

The Convict **Felix Odhiambo Aguko** was on 20/1/2017 sentenced by PM's Court Bondo for the *offence of Stock Theft contrary to Section 278 of the Penal Code*. He was sentenced to serve 18 months imprisonment. He was due to complete sentence on 19/1/2019 which was five months away from now but as at April 2018, he had 1 week due to remission.

He is aged 26 years old.

This matter was brought to Court for consideration of sentence review as part of prison decongestion programme.

The Probation Officer, Siaya County has filed a sentence review report on 17/5/2018. He never appealed against sentence which was lawful and lenient.

The report shows that the convict has learnt a lot from prison sentence and is ready for transmission with farming and soap making skills required in prison after the released. That prison life has reformed him and regrets his mistake. The community at large considers him to be responsible and respectful. He was a motor bicycle rider prior to the incident.

Unfortunately, as at the time, the probation report was filed in court, the convict had remained with one week to complete sentence of 18 months and so he indicated that he wished to complete his sentence in prison.

This matter has been brought up too late in the day. The request for revision of sentence is overtaken by events.

Accordingly, I order that this file closed for archiving purposes.

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

R.E. ABURILI

JUDGE