

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

HC. CR. REV. NO. 138 OF 2018

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

MICHAEL OOKOAPPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an appeal against the sentence dated 25.6.2018 in Criminal Case No. 391 of 2018 in Ukwala Law Court before Hon. G. Adhiambo - SRM)

JUDGMENT

The Convict **Michael Ooko** was on 25/6/2018 convicted by Ukwala SRM Court vide Cr. Case No. 391/2018 of the offence of manufacturing of alcoholic drinks contrary to Section 32(a)(b) of the Alcoholic Drinks Control Act No. 4 of 2010.

He was sentenced to serve 22 months and is expected to complete sentence on 15/9/2019.

He is 29 years of age separated from his wife but has five children aged between 10 and 4 years who depend on him. He has a dysfunctional family. The wife left the children behind with the convict. They are now in custody of his sister Elizabeth Akinyi. His first wife died and according to the Probation Officer's Report filed on 18/7/2018, by David Ojow Probation Officer, the convict requires Economic Empowerment and reintegration as his immediate needs. He is suitable for probation.

I have considered the request for review of sentence, mitigating factors and the probation report. The convict is also said to be diabetic and HIV positive. He regrets the offence.

Custodial sentence and order that the convict Michael Ooko shall serve community service at Mbosire Primary School for a period of 15days from the day of his release from prison and to work without pay under the supervision of the Probation Officer Siaya County.

Orders accordingly.

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

R.E. ABURILI

JUDGE