

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

HC. CR. REV. NO. 89 OF 2018

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

MOSES OTIENO OWITI.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an appeal against the sentence dated 16.12.2017 in Criminal Case No. 581 of 2017 in Siaya Law Court before Hon. J. Ongo'ondo - PM)

JUDGMENT

The Convict **Moses Otieno Owiti** was on 6/12/2017 convicted of the offence of *Breaking in a Building and committing a felony contrary to Sector 306(a) of the Penal Code*. He was sentenced to serve 4 years imprisonment after pleading guilty to the charges.

On 26/4/2018 he applied to this court for revision of his sentence and pleads for non-custodial sentence.

I have considered the application.

I direct that a Probation Officer's sentence review report be filed by the Siaya County Probation Officer to guide the Court in considering the suitability of the applicant convict for non-custodial sentence.

Mention on 17/9/2018.

Production Order to issue to the convict.

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

R.E. ABURILI

JUDGE