

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

HC. CR. REV. NO. 162 OF 2018

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

MANASSES OTIENO OLOO.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application against the Sentence dated 12.9.2018 in Criminal Case No. 126 of 2018 at SIAYA Law Courts, PM's Court before Hon. J. O. Ongondo, PM)

RULING

On 12th September 2018, the applicant herein was convicted of the offence of preparation to convict a **felony contrary to Section 308(2) of the Penal Code**. He was sentenced to serve 3 years imprisonment vide Siaya PM Cr. Case No. 126/2018.

He does not challenge the conviction and sentence. He only seeks for revision of the sentence claiming he is a first offender, he is remorseful and sole breadwinner of his family. That he has reformed and prays for non-custodial sentence. The applicant was jointly charged with 5 others.

The maximum sentence for preparation to convict a felony is ten (10) years. The applicant was only given 3 years which in my view is very lenient as the offence the Applicant with others were preparing to commit could have led to loss of life or limbs or property.

One month in prison cannot in my view reform a convicted criminal who has chosen to work in concert with other many criminals to prepare to commit crimes to disturb the peace and harmony in society.

The 3 years imprisonment was lenient and sufficient to enable the convict reform while in prison. He can learn some trades and skills so that when he gets out he can be useful to the community. He will learn that crime does not pay.

Accordingly, I find the Application for Revision of Sentence unmerited. The same is dismissed. The Applicant to serve sentence meted out as by law established.

File closed.

Dated, Signed and Delivered at SIAYA this 31st Day of October 2018.

R.E. ABURILI

JUDGE