

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

HC. CR. MISC. APP. NO. 163 OF 2018

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

DAVID OMONDI ONGANYO.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Appeal against the sentence dated 08.08.2018 in Criminal

Case No. 304 of 2017 at SIAYA Law Courts, PM's Court)

RULING

The Applicant is seeking for review of sentence, he was on 8/8/2018 sentenced to a fine of Kshs. 20,000/= in default to serve 6 months imprisonment on 3 counts of **Assault causing actual bodily harm contrary to Section 251 of the Penal Code.**

This was after a full trial in **Siaya PM Cr. Case No. 301/2017 Republic Vs Joash Ochieng Onganyo & 2 Others.** He now seeks for revision of sentence.

The court notes that the applicant denied the charge thereby wasting judicial time and resources to conduct the trial. Now that he is convicted and given very lenient short sentence, should he fail to pay and wants his liberty.

The sentence meted out was lawful and lenient considering the maximum thereof is three years.

Accordingly, I find the application for revision of sentence unmerited. The same is dismissed. The Applicant to serve full 6 months imprisonment on each count should he fail to raise a fine of Kshs. 20,000/= imposed in respect of each count.

Dated, Signed and Delivered at SIAYA this 30th Day of October 2018.

R.E. ABURILI

JUDGE