



**REPUBLIC OF KENYA.**

**IN THE HIGH COURT OF KENYA AT KAKAMEGA**

**CRIMINAL REVISION NO. 285 OF 2015**

**BENSON OMUSILA OMUSOSI .....APPLICANT**

**VERSUS**

**REPUBLIC .....RESPONDENT**

*(Being a Revision from the order of Butere Principal Magistrate's Court Criminal case No.392 of 2015  
by Hon. M.I. Shimenga - R.M on 18<sup>th</sup> September, 2015)*

**RULING ON REVISION**

1. Benson Omusila Omusosi was charged with the offence of creating a disturbance in a manner likely to cause a breach of the peace contrary to section 95(1)(b) of the Penal Code. He pleaded guilty to the charge and was convicted on his own plea of guilty. He was sentenced to serve 18 months imprisonment with effect from 18th September, 2015.
2. The matter was referred to this court for revision of the applicant's sentence in accordance with the provisions of section 364 of the Criminal Procedure Code Cap 75, Laws of Kenya.
3. A Probation Officer's report on record dated 3rd December, 2015 indicates that the applicant is still bitter with his brother and family members whom he claims have caused much pain in his life.
4. The Probation Officer notes that the applicant ought to continue serving his sentence while in custody as the home environment is not conducive to him and he might fall victim to mob justice if given a non-custodial sentence.
5. Having considered the probation report which is not favourable to the applicant, I decline to revise the sentence meted out to him by the trial court.
6. The applicant shall therefore serve the remainder of his sentence in prison.

It is so ordered.

**DELIVERED, DATED and SIGNED at KAKAMEGA on this 29th day of April, 2016.**

**NJOKI MWANGI**

**JUDGE**