

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CONST. PETITION NO.68 OF 2019

BBO.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

The applicant seeks that the court considers his application on sentencing. I have now perused the original court file. At the time the applicant was alleged to have committed the offence he was a minor offender whilst sentencing the applicant, the trial court did not consider that fact. The findings by the trial court on the offence he was convicted was proper and I affirm it however the sentence imposed was not proper. The accused/applicant was a minor at the time he is alleged to have committed the offence, with this in mind and the period he was in remand, in my view the period spent in jail is adequate punishment bearing in mind the above stated facts. He is therefore discharged and is free to go home unless lawfully held.

Dated, signed and delivered at Kisii this 13th day of February 2020.

R.E OUGO

JUDGE

In the Presence of;

Applicant

In person

Mr. Otieno

Senior State Counsel Office of the DPP

Ms. Rael

Court Assistant