

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CRIMINAL REVISION 4 OF 2020

FRANCIS OKANJA OJODE alias AGENGOAPPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an application for Revision of Sentence and Conviction in Bondo PMCCR Case No. 1005 of 2018. dated 1.3.2019 by Hon. E.N. Wasike, Senior Resident Magistrate).

RULING

1. I have considered the application for sentence revision as filed on 15.1.2020 by the Convict **Francis Okanja Ojode**. The Convict is serving 2 years imprisonment for the offence of Burglary contrary to section 304(2) of the Penal Code.
2. He pleaded not guilty and was convicted and sentenced after a full trial by Hon. E.N. Wasike, Senior Resident Magistrate, Bondo on 1.3.2019. He has not appealed against conviction and sentence.
3. The sentence imposed was lawful and lenient. The stolen items were also recovered and released to the complainant. The convict says he is remorseful and regrets what he did and that he has learnt his lesson for what he did. He has a family who depend on him. He is said to be hardworking and the home environment is conducive for his stay. He is a neighbour to and relative of the Complainant. He fends for his family through mining but had learnt life's skills in prison.
4. The Probation Officer recommends unpaid Community Service of Kitambo Primary School. For the above reasons I hereby allow the application for sentence revision and order that the convict herein Francis Okanja Ojode shall serve Community Service for Eight months at Kitambo Primary School under close supervision of Probation Officer and in case of breach or default he shall be re-arrested and sent to prison to serve the full term.
5. Orders accordingly.

Dated, Signed and Delivered at Siaya this 18th day of February, 2020

R.E. ABURILI

JUDGE