



**REPUBLIC OF KENYA**

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

**CRIMINAL APPEAL NO. 104 OF 2017**

**GOO..... APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

***(Being an appeal against Conviction and Sentence on judgment delivered on 19.10.2017 in Bondo Principal Magistrate's Court Criminal Case No. 1104 of 2016 before Hon. M. Obiero - Principal Magistrate.)***

**SENTENCE**

1. On 18<sup>th</sup> December 2019, this court delivered judgment in this appeal dismissing the Appellant's appeal against conviction by the trial court.
2. The court nonetheless found that the Appellant was under the age of 18 years as at the time that he committed the offence. I therefore ordered for a Social Inquiry Report after setting aside the 20 years prison term imposed on him.
3. I have perused the Probation Officer's Report dated 18.2.2020. I am satisfied that the appropriate sentence for the Appellant who is now about 18 years old is to be placed on probation so that he can be guided and counselled by the Probation Officer and for his family to guide and assist him improve on his character and life's skills in welding that he has learnt while in prison.
4. Accordingly, I sentence the accused GOO to serve Probation for a period of three (3) years from the date of release from prison, to be supervised closely by the Probation Officer and to abide by the Probationary terms. In breach thereof the Appellant shall be brought before this Court for resentencing as an adult.
5. Orders accordingly.

**Dated, Signed and Delivered at Siaya this 19<sup>th</sup> day of February, 2020**

**R.E. ABURILI**

**JUDGE**

**In the presence of:**

Mr. Okachi SPPC for the Prosecution

Appellant in person

CA: Brenda and Modestar