

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CRIMINAL REVISION NO. 53 OF 2020

JOSEPH ADEKA OTWALA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application for revision of sentence against sentence vide Criminal

Case No. 951 of 2018 in the Principal Magistrate's Court, Bondo dated 13.8.2019)

RULING

1. I have considered the Application for sentence review/revision filed on 30/4/2020 and mitigation therein.
2. I have also considered the character report in respect of the convict **Joseph Adeka Otwala**, filed by Officer In charge of Siaya G.K. Prisons **Mr. Joseph Mwalo SSP**.
3. The convict is said to be serving 2 years imprisonment for the offence of Burglary and stealing contrary to Section 304 and 279(b) of the Penal Code. He is 34 years and married with 5 children all under the age of 15 years. He is a peasant farmer and mason. He was convicted on 30/7/2019.
4. In his mitigation he states that he was in custody for 10 months prior to being convicted and sentenced. He is remorseful and is said to be disciplined in prison, and responsible in pastoral religious duties to his fellow inmates.
5. Further, the Officer In charge of Prisons states that the convict can fit back in to society if he continues the same way as he has learnt lessons in custody.
6. Having considered all the above, I am satisfied that the sentence imposed on the convict is lawful and lenient.
7. However, as the convict has been in prison for close to two years, eleven months serving sentence and ten months in remand awaiting his trial, and with the positive character report filed by Officer In charge G.K. Prisons, Siaya, I am satisfied that the convict **Joseph Adeka Otwala** can benefit from sentence revision to decongest prison.
8. I revise the lawful sentence imposed to the period already served.
9. Unless otherwise lawfully held, the convict **Joseph Adeka Otwala** is hereby set at liberty.
10. Orders accordingly.

Dated, signed and Delivered at Siaya, this 5th Day of June, 2020.

R.E. ABURILI

JUDGE