



**REPUBLIC OF KENYA**

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

**CRIMINAL REVISION NO. 66 OF 2020**

**MOSES OCHIENG OWITI.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

*(Being an Application for Revision of sentence in Criminal Case No. 1066 of 2018 at PM's Court at Bondo delivered on 21.2.2019 by Hon M. Obiero, Principal Magistrate)*

**RULING**

1. I have considered the application for Sentence Review dated 10/7/2020. The Applicant/convict **Moses Ochieng Owiti** convict was convicted and sentenced to serve 3 years imprisonment for the offence of Shop Breaking and Stealing contrary to Section 304(1) and 279(b) of the Penal Code. He pleaded not guilty to the charge. This was on 21/2/2019.
2. He has served about 1½ years in jail and now prays for a non-custodial sentence stating that he has undergone reform process in prison and has attained a Certificate in Theology. That he has a wife and three children who rely on him.
3. He had filed **HCCRA No. 14 of 2019** which he applied to withdraw and the same has since been withdrawn.
4. Having considered the nature of the offence committed, the fact that the applicant withdrew his appeal and has served more than half of the sentence imposed which was lawful, I hereby exercise discretion in the spirit of prison decongestion and revise the sentence imposed on the convict, **MOSES OCHIENG OWITI** who shall forthwith be released from prison on condition that he does not commit any other offence for the next one year from the date of release and he shall for the next six months be reporting to the nearest Police Station or police post after every two weeks. In default or breach of any of the above conditions, the convict/applicant shall be rearrested and brought to court to be resend to prison to complete the remainder of the prison sentence.
5. Orders accordingly.

**Dated, signed and Delivered at Siaya this 16<sup>th</sup> Day of July, 2020**

**R.E. ABURILI**

**JUDGE**