



**REPUBLIC OF KENYA**

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

**CRIMINAL REVISION NO. 13 OF 2019**

**(CORAM: HON. R.E. ABURILI - J)**

**NICHOLAS ODERO MATINDE.....APPLICANT**

**AND**

**REPUBLIC.....RESPONDENT**

*(An application for revision of sentence imposed by Bondo PM's Court in Cr Case No. 1066 of 2018 delivered on 21<sup>st</sup> February 2019)*

**RULING**

1. The Applicant, **Nicholas Odero Matinde** aged 25 years old was jointly charged with 8 others with the offences of shop breaking and committing a Felony contrary to **Section 306 (a) of the Penal Code**. They were also charged with the Alternative Offence of handling stolen goods contrary to **Section 322(1)(2) of the Penal Code**.
2. The stolen property belonged to Kennedy Ochieng Sigungu and it comprised cooking oil, milk, bar soaps, rice, sugar and a Shop Licence. The accused persons pleaded not guilty before Bondo PM's Court vide Criminal Case No. 1066/2018.
3. The Convict Applicant was found guilty and sentenced to serve 3 years in prison.
4. The court record shows that the Complainant recovered his property, some of which was recovered from the convict.
5. I have considered the Application for Revision of sentence of 3 years from 21/2/2019.
6. I have also considered the Probation Officer's Report filed on 9/5/2019.
7. I am satisfied that the applicant convict can benefit from revision of the three year prison sentence to a non-custodial sentence.
8. Accordingly, I revise the three year sentence and order that the Applicant/Convict **Nicholas Odero Matinde** shall be released from prison to serve unpaid Community Service at Bondo District Hospital for a period of six months from date of release and that he shall be closely supervised by the Probation Officer to ensure he undertakes the tasks given without default.
9. Orders accordingly.

**Dated, signed and Delivered at Siaya, this 12<sup>th</sup> day of June 2019.**

**R.E. ABURILI**

**JUDGE**