

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CRIMINAL REVISION NO. 284 OF 2018

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

CHARLES MALAKI ABUYA MUKEKE.....APPLICANT

AND

REPUBLIC.....RESPONDENT

(An application seeking Revision of Sentence from Judgment delivered

on 11/4/2013 vide Bondo PM's Court in Cr. Case 563 of 2012 before Hon. P.W. Mutua (PM)

RULING

1. I have considered the Applicant/Convict's application of Revision of sentence. The Applicant was convicted for the offence of **Manslaughter contrary to Section 202 as read with Section 205 of the Penal Code.**

2. He was sentenced to serve 10 years imprisonment on 11/4/2013 by Bondo PM's court. He never appealed against conviction or sentence. He pleaded not guilty to the charge. He has been in prison now for 5½ years. He still has 4½ years to go. I have also considered the Probation Officer's Report filed on 12/2/2019 recommending for Community Service at Akala Health Centre.

3. I have taken into account the circumstances under which the offence was committed as per the evidence adduced in court. I am cognizant of the fact that a life that is precious was lost never to return under whatever circumstances. The clock can never rewind for the dead. The convict is remorseful.

4. He has been in prison for more than half of the sentence. He must have learnt his lessons. He deserves an opportunity to get back into the society where he must learn to live and let live and respect other people. I am however, not satisfied that the convict should be placed on Community Service.

5. I hereby exercise judicial discretion and order that the Appellant shall be released from prison to serve Probation for 18 months from the date of his release. He shall be closely guided and counselled by Siaya County Probation Officer (Director) to manage his anger.

Orders accordingly.

Dated, signed and Delivered at Siaya, this 9th Day of July 2019.

R.E. ABURILI

JUDGE