

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

CRIMINAL REVISION CASE NO. 66 "B" OF 2019

JAMES OMONDI ONYANGO.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an application for revision of sentence in Ukwala PM Traffic

CaseNo. 98 of 2019 dated 6.9.2019 before Hon. C.N. Sindani - SRM)

RULING

1. I have considered the application for sentence revision dated 8th October, 2019. I have also considered the Probation Officers Report filed in Court this 7.11.2019 on the Convict James Omondi Onyango, who is said to be well behaved, obedient and hardworking.
2. I note that he was charged with traffic offences of riding without an insurance and riding without a helmet and without a driving licence. Those are matters related to the safety of the Convict and his passengers.
3. The sentence meted out was lawful and lenient but owing to the economic situation on the ground and poverty, he is unable to pay the fines imposed on him all totaling KShs.30,000/=. His parents are said to be poor, according to the probation officer's report filed in court on 7/11/2019.
4. The convict has already served two months in prison. He has four months to go. considering the Probation Officer's Report, I revise the sentence imposed on the convict and order that he shall serve unpaid community service for 4 months at Ugunja Probation Office and that he enrolls for driving classes.
5. Orders accordingly.

Dated, Signed and Delivered at Siaya This 7th day of November, 2019.

R.E. ABURILI

JUDGE