



**REPUBLIC OF KENYA**

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

**CRIMINAL REVISION 58 OF 2019**

**WILLIAM OKOTH OWINO .....APPLICANT**

**VERSUS**

**REPUBLIC .....RESPONDENT**

*(Being an application for Revision of Sentence in Siaya PMCR Case No. 623 of 2018. dated 10.6.2019 before Hon J. O. Ongondo – P.M.).*

**RULING**

1. The Applicant/Convict **William Okoth Owino** was convicted vide Siaya P.M. Cr. Case No. 623 of 2018 for the offence of **Stealing Stock Contrary to Section 278 of the Penal Code**.
2. He was sentenced to serve two years imprisonment on 10.6.2019 and on 26.9.2019, he filed this application for revision of sentence.
3. The Applicant has only served about four months in Prison. He has not appealed against the conviction and sentence.
4. In the application he claims that he had a business loan which is accumulating with interest while he is in custody and that he has a young family of four siblings who depend on him. Further, that he is of bad health and prays for non-custodial sentence.
5. This Court doubts that a few months in Prison would reform anyone considering the offence committed which attracts up to 14 years imprisonment upon conviction.
6. I have considered the fact that the Applicant is not a first offender and has a wife and 2 children. He is 29 years old and a Matatu Conductor.
7. He was previously convicted vide **Siaya P.M. Cr. Case No. 1013/2016 and** sentenced to serve one year imprisonment. He was released on 18.8.2017 from Prison and on 22.23/5/2018 he committed the present offence.
8. In my view, the convict cannot be a reformed person as described by the Probation Officer who did not even talk to the victim of the crime. The sentence imposed was too lenient. It was lawful.
9. I find the application for sentence revision not merited. I dismiss it.
10. File closed.

**Dated, Signed and Delivered at Siaya this 6<sup>th</sup> Day of November, 2019.**

**R. E. ABURILI**

**JUDGE**