



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

CRIMINAL REVISION NO. 52 OF 2019

WYCLIFF OWUOR OWONDO.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an application for revision of Sentence and Conviction in Bondo

CR Case No. 359 of 2019. dated 17.6.2019 before E.N. Wasike - SRM).

RULING

1. The Applicant/Convict **WYCLIFF OWUOR OWONDO** was convicted and sentenced to serve 2 years imprisonment on his own plea of guilty for the offence of Church breaking and **committing a felony contrary to section 306(a) of the Penal Code. This was vide Bondo P.M. Cr. Case No. 359 of 2019.**
2. He has not appealed and seeks for sentence review by his application on 11.9.2019. The conviction was on 14.6.2019.
3. The Probation Officer was not able to trace the Convict who is said to have been transferred to Rachuonyo G.K. Prisons from Siaya G.K. Prisons.
4. This revision application must be determined within 90 days of the date of filing. The Lower Court record is present and it shows that the Convict was a first Offender. He stated in his mitigation that he is willing to pay for the stolen chairs.
5. The sentence meted out was lawful and lenient as the maximum is seven years, the theft took place in a Maranatha Church and 20 of the chairs stolen were recovered.
6. The trial Court should have called for a Probation Officer's report to inform it on the Convict's antecedents since he was a first offender, to enable the Court determine the appropriate sentence to be meted out.
7. In his application he pleads for leniency and says he is remorseful.
8. Having considered the above facts, I am of the view that the Convict would have benefitted from an alternative sentence.
9. That being the case, and as the sentence imposed is short considering the fact that our prisons are full, I revise the 2 years imprisonment and substitute it with Community Service Order. The convict **WYCLIFF OWUOR OWONDO** shall be released to serve unpaid Community Service at **BONDO LAW COURTS** for a period of one year from the date of release under close supervision of the Probation Officer, Bondo and the Executive Officer, Bondo Law Courts.
10. Orders accordingly.

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

**R. E. ABURILI**

**JUDGE**