



**REPUBLIC OF KENYA**

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

**HC. CR. REV. NO. 152 OF 2018**

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

**CHRISTOPHER ODUOR OGUNDA.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

*(Being an appeal against the sentence dated 30.05.2018 in Criminal Case No. 341 of 2018 in UKWALA Law Court before Hon. G. Adhiambo - SRM)*

**RULING ON REVISION OF SENTENCE**

I have considered the application for revision of sentence dated 5/9/2018. The Convict/Applicant Christopher Oduor Ogunda was vide Ukwala SRM Cr. Case No. 341 of 2018 convicted and sentenced to serve 15 months imprisonment for the offence of house breaking and stealing contrary to **Section 304(1) and 279 of the Penal Code**.

He is a young man aged only 23 years and left school in Form 2. He is single from a relatively poor family, according to the Probation Officer's Report dated 12/10/2018 signed by Rhoda Wanyonyi, Probation Officer. He is not very well known in the village. He lied to the Probation Officer of his home whereabouts/particulars. The local administration finds him a social misfit who should be in prison because he is cunning and untrustworthy.

The Probation Officer advises this court not to give him favourable terms on review of sentence as his home environment is not conducive to rehabilitate. That the convict would benefit from prison rehabilitation.

**For the above reasons, I find the Probation Officer's report credible. The convict requires to reform from prison before he can be considered for a non-custodial sentence.**

**Accordingly, the Convict/Applicant's application for revision of sentence lacks substance. The same is hereby dismissed. The convict Christopher Oduor Ogunda to serve full prison sentence of 15 months for housebreaking and stealing.**

*Dated, Signed and Delivered at SIAYA this 15<sup>th</sup> Day of October 2018.*

**R.E. ABURILI**

**JUDGE**

***In the presence of:***

**Mr. Okach:** Prosecution Counsel for the State

**Christoper Oduor Ogunda:** Applicant in person (present)

**Court Assistant:** Brenda, Modestar