



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT SIAYA**

**HC. REV. NO. 165 OF 2018**

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

**DOO.....APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**(Being an Appeal seeking Sentence Revision against judgment delivered in 2018**

**in Criminal Case No. 342 of 2016 at Ukwala Law Courts, SRM's Magistrate Court.)**

**RULING ON SENTENCE REVISION**

1. The convict **DOO** was convicted and sentenced vide Ukwala SRM Cr. 342/2018 of the offence of intent to commit a felony contrary to **Section 308(2) of the Penal Code**. He was sentenced to serve 23 months. He started serving his sentence on 27/10/2018 which will end on 16/7/2020.

2. He has not challenged conviction and sentence. He however seeks for revision of his sentence on account that he was a first offender.

3. He regrets the incident and is remorseful, a sole bread winner for his family, suffers from TB and is fully reformed. Further, that he promises to be law abiding.

4. A Probation Officer's report dated 15/11/2018 filed by Rose Gwaro, Probation Officer reveals that the convict is aged 33 years, married with 3 children, peasant farmer and hardworking.

5. He is however known for the habit of taking people's items without their consent. The victim of the offence was not traced for the social inquiry.

The convict is however, willing to seek forgiveness from the victim and tell others not to get involved in crime.

6. The Probation Officer concludes that the convict is suitable for CSO at Got Osimbo Dispensary.

7. The court has considered all the forgoing and on recommendation of the Probation Officer and in the spirit of Prison Decongestion Policy of the Judiciary targeting minor offenders, I hereby allow the application for Sentence Review and I set aside the sentence imposed on the convict DOO and substitute it with an order that he shall serve Community Service at Got Osimbo Dispensary for a period of six (6) months from the date of release, under the supervision of the Probation Officer, Siaya County.

**Orders accordingly.**

**Dated, Signed and Delivered at SIAYA this 21<sup>st</sup> Day of November 2018.**

**R.E. ABURILI**

**JUDGE**