

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

HC. REV. NO. 155 OF 2018

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

J O O.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Appeal seeking Sentence Revision against judgment delivered in 6/8/2018 in Criminal Case No. 266 of 2017 at Ukwala Law Courts, SRM's Court.)

RULING ON REVISION

1. On 6/8/2017, the convict J O O was convicted and sentenced to serve 3 years imprisonment by SRM Ukwala vide Ukwala SRM Cr. Case No. 260/2017 for the offence which is not disclosed despite ordering for trial court record and the probation officers report filed on 20/11/2018 signed by Rose Gwaro does not disclosed the offence.
2. I have perused the Probation Report which shows that the convict is the brother to the complainant and that he is living with HIV. He is married with 6 children who depended on him as a businessman. He is aged 38 years and the home environment is conducive to rehabilitation.
3. The victim of the offence is his brother M O and is willing to forgive him.
4. The convict is said to be hardworking and the Probation Officer recommends Community Service.
5. In view of the recommendation by the Probation Officer and in the spirit of Prison Decongestion, I hereby order that the convict J O O shall serve the remainder of his prison term on Community Service Order at Sikalame Dispensary from date of release from prison upon this order being served on the O/C Siaya G.K. Prisons.

Dated, Signed and Delivered at SIAYA this 21st Day of November 2018.

R.E. ABURILI

JUDGE