



**REPUBLIC OF KENYA**

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

**HC. REV. NO. 153 OF 2018**

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

**STEPHEN ONYANGO ANYANGO.....APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

*(Being an Appeal seeking Sentence Revision against judgment delivered in 16/7/2018 in Criminal Case No. 579 of 2018 at Bondo Law Courts, PM's Court.)*

**RULING ON REVISION**

1. On 24/9/2018, I ordered for a Probation Officer's Report on sentence review but none has been filed. The convict **Stephen Onyango Anyango** was on 16/7/2018 convicted and sentenced to serve 2 years in prison for the offence of House Breaking and Stealing contrary to **Section 306(1)(a) of the Penal Code** by Bondo PM in Cr. Case No. 579/2018.
2. He pleaded not guilty and was convicted on evidence adduced by the Prosecution. He is not challenging the conviction and sentence.
3. On 5/9/2018 he applied for sentence review saying he is a sole bread winner of 5 children, he promises to abide by the court's directive, is remorseful for the offence, prays for non-custodial sentence or a fine, he had a business loan and interest was accruing, he promises never to commit any other crimes and his siblings lost their mother hence they are in hardship.
4. The trial record supplied to this court is however, incomplete only that it is not in dispute that the convict is serving a 2 year jail term.
5. I have considered the plea by the convict. In the spirit of prison decongestion as he has served his sentence substantially, I order that the convict Stephen Onyango Anyango shall be released to serve the remainder of the term imprisonment on probation to be supervised by the Siaya County Probation Officer.

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

**R.E. ABURILI**

**JUDGE**