



**REPUBLIC OF KENYA**

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

**CRIMINAL REVISION NO. 189 OF 2014**

**OSCAR OLALA.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**RULING ON REVISION**

1. The Applicant, OSCAR OLALA MAKANGA was charged with the offence of stealing a motor vehicle contrary to Section 278A of the Penal Code. The particulars of offence are that on diverse dates between 29<sup>th</sup> day of November 2011 and 11<sup>th</sup> day of December 2011 at Kitengela Township in Kajiado County stole one motor vehicle registration No. KBE 395P make Toyota Hiace valued at Ksh 1,500,000/= (*One million five hundred thousand*) property of Vincent Alwaka.
2. After a full trial, the Applicant was convicted and sentenced to 3<sup>1/2</sup> years imprisonment.
3. The Applicant thereafter applied for the review of the sentence on grounds of health. In the affidavit in support of the application, it is stated that the applicant lost his right arm in an accident and has also developed blood pressure. The Applicant has also stated that he is the sole breadwinner of his family.
4. I have perused the lower court record. I have found no irregularities or illegalities in the same. The Applicants disability was in existence prior to the sentencing by the trial court. The same was taken into account by the trial court.
5. With the foregoing, the application has no merits and is dismissed.

**B. THURANIRA JADEN**

**Dated and delivered** at Machakos this 3<sup>rd</sup> day of June, 2015

**B. THURANIRA JADEN**

**JUDGE**