



**Divies v Republic (Criminal Revision E052 of 2023)
[2023] KEHC 19590 (KLR) (29 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19590 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CRIMINAL REVISION E052 OF 2023
WA OKWANY, J
JUNE 29, 2023**

BETWEEN

SOLOMON DIVIES APPLICANT

AND

REPUBLIC RESPONDENT

(From the original Conviction and Sentence in the Magistrates' Court at Keroka, Criminal Case No. MCCR E290 of 2023 by Hon. B.M. Kimtai, Senior Principal Magistrate on 15th May 2023)

RULING

1. The Applicant was convicted on his own plea of guilty for the offence of being in possession of alcoholic drinks contrary to section 27 (1) (b) as read with section 27 (4) of the [Alcoholic Drinks Control Act](#) No 4 of 2010. The trial court sentenced him to pay a fine of Kshs 15,000/= or in default, to serve 5 months imprisonment. The Report by Jackline C Mwei the Probation Officer dated June 13, 2023 recommends a non-custodial sentence. I hereby direct that the Applicant serves a Community Service Order at Nyanchori Dispensary under the supervision of Chief Beatrice Mwangi for a period of 2 months.

Orders accordingly.

DATED AND DELIVERED AT NYAMIRA ON THIS 29TH DAY OF JUNE 2023.

W A OKWANY

JUDGE

