



REPUBLIC OF KENYA



KENYA LAW
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**Omwenga v Republic (Criminal Revision E046 of 2023)
[2023] KEHC 19817 (KLR) (29 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19817 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CRIMINAL REVISION E046 OF 2023
WA OKWANY, J
JUNE 29, 2023**

BETWEEN

DANCAN OMWENGA APPLICANT

AND

REPUBLIC RESPONDENT

(From the original Conviction and Sentence in the Magistrates' Court at Keroka, Criminal Case No. MCTR E246 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 of 5 counts under the Traffic Act including riding a motorcycle on a public road while under the influence of alcohol contrary to section 44 (1) of the Traffic Act, riding a motorcycle on a public road without a riding license contrary to section 103B (5) as read with section 103B (7) of the Traffic Act, riding a motorcycle on a public road without a valid insurance cover contrary to section 103B (3) as read with section 103B (7) of the Traffic Act, riding a motorcycle on a public road without a head helmet contrary to section 103B (1) as read with section 103B (7) of the Traffic Act and riding a motorcycle on a public road without a reflective jacket contrary to section 103B (1) as read with section 103 B (7) of the Traffic Act.
2. The trial court sentenced him to pay a fine of Kshs. 20,000/= for count 1 or in default, to serve 3 months imprisonment; Kshs. 5,000/= each for counts 2 and 3 or in default to serve 2 months imprisonment; and Kshs. 2500/- each for counts 4 and 5 or in default to serve 1 months imprisonment. The applicant has since served 1 month in custody. The Report by Nicholas Ng'etich Kibet the Probation Officer filed on June 14, 2023 recommends a non-custodial sentence. I hereby direct that the applicant serves a Community Service Order at Keroka Probation Station under the supervision of the Probation Officer for the remaining part of his sentence.

Orders accordingly.



DATED and DELIVERED at NYAMIRA on this 29th day of JUNE 2023.

W.A. OKWANY

JUDGE

