



REPUBLIC OF KENYA



KENYA LAW
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**Owanda v Republic (Criminal Revision E020 of 2023)
[2023] KEHC 19842 (KLR) (29 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19842 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CRIMINAL REVISION E020 OF 2023
WA OKWANY, J
JUNE 29, 2023**

BETWEEN

AMOS OWANDA APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original Conviction and Sentence of Hon. B. O. Okong'o –
RM Nyamira dated and delivered on the 5th day of May 2023
in the original Nyamira CMC Criminal Case No. E218 of 2023)*

RULING

1. The Applicant was convicted on his own plea of guilty for the offence of dealing with alcoholic drinks without a licence contrary to section 7 (1) (b) as read with section 34 (a) of the [Alcoholic Drinks Control Act](#) No 4 of 2010. The particulars of the offence were that on February 18, 2023, at Nyameru sub-location in Nyamira sub-county within Nyamira County was found dealing with alcoholic drinks namely chang'aa to wit, 10 litres without license issued under the said Act.
2. The trial court sentenced him to serve 6 months' probation with a mandatory Community Service Order at Nyamira Police Station. His sentence was substituted with a 6 (six) months custodial sentence from May 5, 2023.
3. The Sentence Review Report filed on June 13, 2023 by the Probation Officer Nelson Mandela recommends a non-custodial sentence. I hereby direct that the Applicant serves a Community Service Order at the Assistant Chief's office in Charachani sub-location for the remaining part of the sentence meted by the trial court.
- 4 Orders accordingly.

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



W.A. OKWANY
JUDGE

