



REPUBLIC OF KENYA



**Atieno v Republic (Criminal Revision E013 of 2022)  
[2022] KEHC 12801 (KLR) (8 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 12801 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL REVISION E013 OF 2022  
RE ABURILI, J  
AUGUST 8, 2022**

**BETWEEN**

**CLARE WESONGA ATIENO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Application for revision of sentence, arising from conviction and sentence in Ukwala PM's Court in Criminal Case No E032/2022 on 29/3/2022 by Hon L N Sarapai Principal Magistrate)*

**RULING**

1. The convict Clare Wesonga Atieno was convicted and sentenced on March 29, 2022 to serve 6 months imprisonment on each of the 2 counts of manufacturing of alcoholic drinks without a licence contrary to section 32(1)(a) as read with section 32(8) of the [Alcoholic Drinks Control Act](#) and being in possession of alcoholic drinks for sale without a licence contrary to section 7(1)(5) as read with section 62 of the [Alcoholic Drinks Control Act](#).
2. She pleaded guilty to the offence before Hon L N Sarapai, Principal Magistrate at Ukwala Law Courts and after mitigation, she was sentenced to pay a fine of Kshs 30,000/= on count one and Shs 20,000/= on count 2 in default, to serve 6 months imprisonment. Sentences to run concurrently.
3. The convict has now served about 4 months imprisonment.
4. The Probation Report on sentence review has not been filed.
5. There is no evidence that the convict was a habitual offender.
6. I order that the convict Clare Wesonga Atieno shall be released from prison forthwith on suspended sentence of the remainder of the prison term and shall not reoffend for the next twelve months from the date of release.



7. I so order.

8. File closed.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 8<sup>TH</sup> DAY OF AUGUST, 2022**

**R E ABURILI**

**JUDGE**

