



**Kimathi & 3 others v Ndolo (Civil Suit 135 of 2019)
[2022] KEHC 14121 (KLR) (Civ) (21 October 2022) (Sentence)**

Neutral citation: [2022] KEHC 14121 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

CIVIL

CIVIL SUIT 135 OF 2019

JK SERGON, J

OCTOBER 21, 2022

BETWEEN

**ERICK KIMATHI 1ST PLAINTIFF
JUSTINE KENDI 2ND PLAINTIFF
EXECUTIVE SUPER RIDES LTD 3RD PLAINTIFF
DRIVERS UNIVERSE COMPANY 4TH PLAINTIFF**

AND

BENJAMIN WAMBUA NDOLO DEFENDANT

SENTENCE

1. Benjamin Wambua Ndolo, the defendant/respondent herein was on 25th March, 2022 convicted for contempt of court. The respondent virtually appeared before court and pleaded to be treated with leniency. He also filed a comprehensive written statement in mitigation.
2. I have considered the facts in mitigation outlined in the written statement. The respondent averred that he has deleted the offensive publications and has gone ahead to issue an apology through his official twitter account. The respondent further indicated that he is remorseful with no past criminal record. He also urged this court not to mete out a custodial sentence so that he does not stay away from his employment.
3. Having considered the mitigating factors, I am convinced that the respondent should be given a non-custodial sentence in the circumstances. Consequently, the respondent namely Benjamin Wambua Ndolo is hereby sentenced to pay a fine of ksh.50,000/= within a period of 7 days from today's date and in default he should be apprehended and taken to custody to serve three (3) months in prison.



**DATED, SIGNED AND DELIVERED ONLINE VIA MICROSOFT TEAMS AT NAIROBI THIS
21ST DAY OF OCTOBER, 2022.**

.....

J. K. SERGON

JUDGE

In the presence of:

..... for the Plaintiff

..... for the Defendant

