

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NANYUKI

CRIMINAL REVISION NO.103 OF 2020

BONIFACE MUNYIAPPLICANT

VERSUS

REPUBLICRESPONDENT

(Revision of the Original Sentence dated 06.05.2020 in Nanyuki Criminal Case No.358 of 2020 – L. Mutai, CM)

27.05.2020

Before Justice H P G Waweru

In Chambers

ORDER ON REVISION

1. Upon request by the Convict herein, I have called for and examined the record of the trial court.
2. **The Convict, BONIFACE MUNYI KIMARU, pleaded guilty to and was convicted of the offence of Breach of Curfew Order contrary to Order 3 of the Public Order (State Curfew) Order, 2020 as read with Section 8(6) of the Public Order Act, Cap 56.**
3. On 06.05.2020 the Convict was sentenced to a fine of Kshs.10,000= and in default of payment, to serve six (6) months imprisonment. He did not pay the fine.
4. **The default sentence is illegal. Under Section 28(2) of the Penal Code, the default term of imprisonment should not exceed three (3) months for a fine of Kshs.10,000=.**
5. In the circumstances, I hereby set aside the default term of imprisonment of six(6) months. .
6. Because of the Coronavirus (COVID-19) crisis in our country, and in order to help in de-congesting our prisons, I hereby substitute a default sentence of the time already served by the convict.
7. That means that the Convict shall be set at liberty forthwith unless otherwise lawfully held. It is so ordered.

DATED AT NANYUKI THIS 27TH DAY OF MAY, 2020

H.P.G. WAWERU

JUDGE.

DEPUTY REGISTRAR

NANYUKI HIGH COURT