



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NANYUKI

CRIMINAL REVISION NO.102 OF 2020

ELIJAH MWANGI IRERI.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Revision of the Original Sentence dated 06.05.2020 in Nanyuki Criminal Case No.365 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, **ELIJAH MWANGI IRERI**, pleaded guilty to and was convicted of the offence of *Breach of Curfew Order* Mcontrary 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 patently illegal. Under Section 28(2) of the Penal Code it should not exceed imprisonment for three (3) months.
5. In the circumstances, that default sentence of six months imprisonment is hereby set aside.
6. Because of the Coronavirus (**COVID-19**) crisis in our country, and in order to help in de-congesting prisons, I will 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