



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NANYUKI**

**CRIMINAL REVISION NO.101 OF 2020**

**JOSEPH WACHIRA .....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

*(Revision of the Original Sentence dated 06.05.2020 in Nanyuki Criminal Case No.366 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, JOSEPH WACHIRA MURIUKI, was convicted upon his own plea 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 he 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. It should not have exceeded imprisonment for three (3) months. See Section 28(2) of the Penal Code.
5. In the circumstances I will set aside the term of imprisonment of six months.
6. Because of the Coronavirus (COVID-19) crisis in our country, and in order to assist in de-congesting our prisons, I will substitute therefore 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 27<sup>TH</sup> DAY OF MAY, 2020

H.P.G. WAWERU

JUDGE.

DEPUTY REGISTRAR

NANYUKI HIGH COURT