



**REPUBLIC OF KENYA**

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

**CRIMINAL REVISION NO.109 OF 2020**

**MARTIN MWITI.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

*(Revision of the Original conviction and Sentence in Nanyuki Criminal Case No.507 of 2020 – V. Masivo - RM)*

**25.06.2020**

Before Justice H P G Waweru

In Chambers

**ORDER ON REVISION**

1. Upon application herein by the convict herein, **MARTIN MWITI**, I have called for and examined the record of the trial court regarding the sentence imposed upon the convict. He 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.
2. On 22/5/2020 the convict was sentenced to a fine of Kshs.3,000/00 and in default of payment to serve three (3) months imprisonment. He did not pay the fine and is serving the default sentence.
3. The default sentence is lawful under Section 28(2) of the Penal Code, Cap 63.
4. Considering the public health reason for the curfew in place (to curb the spread of the Coronavirus Covid-19 pandemic), the sentence is not manifestly harsh or excessive, and I decline to interfere with it.
5. The request for revision is therefore refused and dismissed. It is so ordered.

Dated at Nanyuki this 25<sup>th</sup> day of June 2020.

**H.P.G. WAWERU**

**JUDGE.**

**DEPUTY REGISTRAR**

**NANYUKI HIGH COURT**