



**REPUBLIC OF KENYA**

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

**CRIMINAL REVISION NO.110 OF 2020**

**PETER WACHIRA NDIRANGU.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

*(Revision of the Original conviction and Sentence in Nanyuki Criminal Case No.586 of 2020 – L. MUTAI - CM)*

**25.06.2020**

Before Justice H P G Waweru

In Chambers

**ORDER ON REVISION**

1. Upon request by the convict herein, **PETER WACHIRA NDIRANGU**, I have called for and examined the record of the trial court with regard to sentence.
2. The Convict was convicted upon his own plea of Stealing Goods forming part of the Railway contrary to Section 279(d) of the Penal Code. On 04/06/2020 he was sentenced to pay a fine of Kshs.50,000/00 and in default to serve 18 months imprisonment.
3. The default sentence is clearly unlawful for a fine not exceeding Kshs.50,000/00 the default sentence should not exceed six (6) months imprisonment. See Section 28(2) of the Penal Code.
4. In the circumstances, I will set aside the default sentence of 18months imprisonment and substitute therefor six (6) months imprisonment. It is so ordered.
5. To that limited extent only is the sentence affected.

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

**H.P.G. WAWERU**

**JUDGE.**

**DEPUTY REGISTRAR**

**NANYUKI HIGH COURT**