

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAROK

CRIMINAL REVISION NO. 25 OF 2018

REPUBLIC.....APPLICANT

-VERSUS-

LEONARD NGETICH.....RESPONDENT

(Being revision from the original conviction and sentence dated 3rd April 2018 in Criminal Case No. 1422 of 2017 in the Chief Magistrate's Court at Narok, Republic V. Leonard Ngetich).

ORDER ON REVISION

1. Her honour, Wilbrodah Juma, the chief magistrate has reported this matter to this court for revision, pursuant to her powers under section 363 of the Criminal Procedure Code (Cap 75) Laws of Kenya.
2. The basis of the report is that the sentence of a fine of shs.10,000/= in default to serve six months that was imposed upon the respondent was not in accordance with the provisions of section 28 of the Penal Code (Cap 63) Laws of Kenya. These provisions direct a court to impose a default sentence of imprisonment of three months and not six months.
3. I therefore set aside the entire sentence imposed upon the respondent.
4. If the fine was paid, it should be refunded.
5. It is so ordered.

Order dated and signed this 30th day of January, 2019

J. M. Bwonwonga

JUDGE

30/1/2019