



**REPUBLIC OF KENYA**

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

**REVISION NO. 03 OF 2019**

**LYDIA BOCHABERI.....APPELLANT**

**=VRS=**

**THE REPUBLIC.....RESPONDENT**

**{From original Conviction and Sentence of Hon. C. W. Waswa – RM in the Original Nyamira Chief Magistrate’s Court Criminal Case No. 285 of 2019}**

**RULING**

This file has been placed before me for revision. The applicant pleaded guilty to a charge of operating a bar without a licence contrary to Section 14 (3) (1) as read with Section 34 (a) of the Alcoholic Drinks Control Act. I have seen a letter from the County Government of Nyamira dated 19<sup>th</sup> February 2019 to the effect that the licences for this year are yet to be issued. I have also seen a Receipt No. 132309 showing that a sum of Kshs. 1,000/= was paid by one Naom Ondieki (N & N Bar) as application for a licence. The receipt does not in any way relate to this applicant or the pub in the charge sheet and if it does no nexus has been demonstrated. Permit No. 2018/13153 which is annexed to the receipt was issued to N & N WINES (Naomi Ondieki) but not Lydia Bochaberi of Nyakwerigeria Pub. I see no irregularity in the proceedings in the lower court and the sentence imposed is within the law. Accordingly, the application for revision is dismissed. The order be certified to the lower court.

**E. N. MAINA – J**

**27/02/2019**