

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERUGOYA

CRIMINAL REVISION NO. 14 OF 2019

**(From Original Conviction and sentence in Criminal Case No. 1739 of 2018 of the Senior Principal Magistrate's court at Baricho–
M.Kivuti-SRM.**

SUSAN NYAWIRA EDITH.....ACCUSED

VERSUS

REPUBLIC.....RESPONDENT

RULING

1. In this case the State did not oppose the application for revision. The applicant was fined Kshs 50,000/- i/d Two years imprisonment. I find that the **Section 28 of the Penal Code** provides that where the fine imposed exceeds Kshs 15,000/- but not exceeding Kshs 50,000/- the maximum sentence in default sentence of Two years is therefore unlawful. I will therefore revise the sentence and order as follows:-

2. The sentence of the trial Magistrate is set aside. The sentence is substituted with the sentence of a fine of Kshs 50,000/- i/d serve Six months imprisonment from the date of the sentence.

Dated at Kerugoya this 29th day of November 2019.

L. W. GITARI

JUDGE

Read out in open court,

Applicant present,

P/C Ms. Muthoni.

C/A – Gichia.

L. W. GITARI

JUDGE

29/11/19.