

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIVASHA

CRIMINAL REVISION NO. 5 OF 2018

(From Original Conviction and Sentence in Criminal Case No. 980 of 2018 of the Principal Magistrate's Court at Engineer)

J M W.....1ST APPLICANT

I K W.....2ND APPLICANT

-VERSUS-

REPUBLIC.....PROSECUTOR

ORDER ON REVISION

- 1) A letter Ref: NAP/PPGM/2/Vol. V/245 dated 15th February, 2018 filed into court by the Officer in charge Naivasha Medium Prison, and the attached age assessment reports indicate that the Subjects are minors.
- 2) Based on the age assessment reports, the sentence imposed on the minors is not sustainable as it offends Section 190 and 191 *inter alia*, of the Children Act. I therefore order that:
 - a) The prison term against the minors is hereby set aside for illegality.
 - b) The two Subjects be removed from Prison custody immediately, and be held at the Juvenile Remand Home at Nakuru pending further orders.
 - c) A Probation Officers' report in respect of the minors be prepared within 14 days.
 - d) The Duty Registrar of this court to ensure the immediate compliance with direction (b) above.

Written and signed at Naivasha this 15th day of February, 2018.

C. MEOLI

JUDGE