



**REPUBLIC OF KENYA**

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

**CRIMINAL APPEAL NO.80 OF 2016**

**DORIS KAGENDO .....APPELLANT**

**VERSUS**

**REPUBLIC .....RESPONDENT**

*( From the original conviction and sentence in criminal case No. 1925 of 2016 of the Chief Magistrate's Court at Meru by Hon. M.K.N.N Maroro – Principal Magistrate)*

**JUDGMENT**

The appellant, **DORIS KAGENDO**, was convicted on her own plea of guilty for the offence of selling alcoholic drinks without a licence contrary to section 7 (1) (b) as read with section 62 of the Alcoholic Drinks Control Act No.4 of 2010.

The particulars of the offences were that on 8<sup>th</sup> October 2016 at Kaaga location, Imenti North sub County of Meru county, was found selling 40 litres of mugacha and 60 litres of marwa without a licence.

The appellant was sentenced to pay a fine of Kshs. 100 000/= or in default serve one year imprisonment. She now appeals against the sentence.

The appellant was represented by J.G Gitonga, learned counsel. He contended that the sentence was harsh.

The state opposed the appeal through Mr. Odhiambo, the learned counsel.

The appellant pleaded guilty to the offence. She had no previous conviction. I am persuaded that the sentence was on the higher side in the circumstances. I accordingly reduce the sentence to the time served .

The appellant to be released from custody unless if otherwise lawfully held.

**DATED** at **MERU** this 27<sup>th</sup> day of **April, 2017**

**KIARIE WAWERU KIARIE**

**JUDGE**