



**REPUBLIC OF KENYA**

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

**CRIMINAL DIVISION**

**CRIMINAL REVISION NUMBER 169 Of 2017**

**JULIUS KAAWEESI.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**RULING**

Julius Kaaweesi, herein the Applicant, has renewed his application for revision of the sentence passed in **Milimani Criminal Case 980 of 2017** pursuant to this court's order that he renews the application after he serves at least six months imprisonment. He pleaded guilty to three counts. In counts I and II he was charged with committing the offence of being reasonably suspected to be smuggling a human being contrary to Section 53(1)(p) as read with Section 53(2) of the Kenya Citizenship and Immigration Act, 2011 while in count III he was charged of being in possession of a passport which cannot reasonably give a proper account of its possession contrary to Section 54(1)(d) as read with Section 54(2) of the Kenya Citizenship and Immigration Act, 2011.

He was convicted on 30<sup>th</sup> May, 2017. The Applicant has about six days left to the six month imprisonment period that the court recommended he serves before renewing the application. As I had earlier noted the first two counts are serious offences but taking into account that he is a first offender the court shall fetter the request with leniency.

I therefore set aside the remainder of the sentence and substitute it with an order that the Applicant has served sufficient sentence. He shall be forthwith set free.

**Dated and Delivered at Nairobi This 24<sup>TH</sup> October, 2017.**

**G.W. NGENYE-MACHARIA**

**JUDGE**