

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL MISC APPL. NO. 238 OF 2015

LEAH WANGECHI GIOCHE.....APPLICANT

-V E R S U S -

BEST LADY COSMETICS SHOP LIMITED..... 1ST RESPONDENT

DANIEL MUNYAKA 2ND RESPONDENT

DAVID KIRIMI

T/A KINYANJUI KIRIMI & CO ADVOCATES.....3RD RESPONDENT

ORDER ON SENTENCING

1) On 29th September 2016, this court convicted the respondents for contempt of the orders issued by the Business Premises Rent Tribunal issued on 21st October 2014. The respondents were invited to make submissions in mitigation. I have considered the mitigating factors. The respondents have argued that they made a genuine and honest mistake which was not calculated to disobey the court order. This court was beseeched to forgive the parties and discharge them.

2) Having considered all the relevant factors, I am convinced that the appropriate sentence to be meted out should be non-custodial. Consequently I order that each respondent should pay a fine of ksh.100,000/= within 7 days from the date hereon. In default, the 1st respondent's property may be attached and sold to recover the amount of the fine. However as for the 2nd and the 3rd respondents if they fail to pay the fine they should each serve 2 months in civil jail.

Dated, Signed and Delivered in open court this 16th day of November, 2017.

J. K. SERGON
JUDGE

In the presence of:

..... for the Plaintiff

..... for the Defendant