



**REPUBLIC OF KENYA**

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

**CRIMINAL REVISION NO. 9 OF 2016**

**J M K ..... APPELLANT**

*Versus*

**REPUBLIC .....RESPONDENT**

**RULING**

1. **J M K (Mumbi)** was convicted of the *offence of abandoning a child contrary to section 127(1)(a) of the Children’s Act Cap 141*. She was sentenced to 3 years imprisonment. Mumbi has so far served 15 months of that sentence. This matter is before this court for consideration of revision of that sentence as provided under **Section 364** of the **Criminal Procedure Code Cap 75**.

2. Mumbi in my view as reflected in the probation report is not suitable candidate to have her sentence revised or changed to a non-custodial sentence. Mumbi has been as stated by her mother a habitual user of illegal brew ‘*changaa*’ and of smoking narcotics. As a consequence she has failed to give parental care to her 3 children. The child to whom the present offence refers is 2 years old whom Mumbi would take with her in her drinking spree. This led to the child being emaciated. The probation officer stated in his report that Mumbi has a history of being in conflict with the law.

3. For that reason J M K shall serve the sentence imposed by the lower court. The application to review that sentence is declined.

**DATED THIS 31<sup>ST</sup> DAY OF MAY 2016**

**MARY KASANGO**

**JUDGE**

**CORAM:**

Before Justice Mary Kasango

Court Assistant – Njue

Appellant: J M K .....

For the State: .....

**COURT**

Ruling delivered in open court.

**MARY KASANGO**

**JUDGE**