

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL DIVISION

CRIMINAL REVISION NO.121 OF 2016

JAMES OBAGA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

I have considered the grounds put forward by the Applicant in this case. The Applicant pleaded guilty to the charge. No persuasive reason has been advanced by the Applicant to convince this court that the plea of guilty that was recorded by the trial magistrate was not unequivocal (***See Adan –vs- Republic [1973] EA 445***).

On sentence, the Applicant is on firmer ground. Taking into consideration the amount of alcoholic drink that was found in the Applicant's possession, this court is of the view that the sentence that was meted on the Applicant was harsh and excessive. In the premises therefore, that sentence is set aside and substituted by a sentence of this court commuting the Applicant's custodial sentence to the period already served. He is ordered set at liberty forthwith and released from prison unless otherwise lawfully held. It is so ordered.

DATED AT NAIROBI THIS 15TH DAY OF JUNE 2016L. KIMARU

JUDGE