



**REPUBLIC OF KENYA**

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

**CRIMINAL REVISION NO.55 OF 2015**

**SHAHTO YASAF.....APPELLANT**

**VERSUS**

**REPUBLIC .....RESPONDENT**

**RULING**

I have perused the lower court record. Plea was taken on 12<sup>th</sup> March, 2015. The same was unequivocal. This revision is sought on account that the fines imposed were excessive. Under Section 364(5) of the Criminal Procedure code, a revision shall not be sought where an appeal lies.

The matters being raised herein that the applicant's parents were killed in war were considered in the mitigation. They are not matters that may be considered in a revision. Moreso, that issue that the sentence was excessive is a matter for consideration in an appeal.

In the foregoing, I decline the revision sought and dismiss the application dated 15<sup>th</sup> April, 2015.

**DATED and DELIVERED in NAIROBI** this 14<sup>th</sup> day of April, 2015.

**G. W. NGENYE – MACHARIA**

**JUDGE**