

IN THE HIGH COURT OF KENYA

AT NAKURU

CRIMINAL REVISION NO.139 OF 2015

FRED MAYAKA MUGERE.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

The matter has been laced before me pursuant to the provisions of **Section 362** and **364** of the **Criminal Procedural Code** by a letter by the applicant dated 30th June, 2015 in respect of proceedings in Traffic Case No.4127 of 2015 – **Republic V. Fred Mayaka Mugere**.

The accused was charged in the Traffic Court on two counts contrary to **Section 103B(5)** as read with **Subsection (7)** of the **Traffic Act**.

The traffic court found him guilty and sentenced him to pay a cumulative fine of Kshs.11,000 on both counts.

In his letter, he states that he is remorseful and has already paid a sum of Kshs.12,000 for the repair of the motor vehicle to be executed by D.T. Dobie, Nakuru Branch.

This court is satisfied that there exists sufficient circumstances entitling it to revise the decision of the subordinate traffic court.

In the circumstances, the sentence imposed upon the accused to pay a fine of Kshs.11,000/= is hereby revised and set aside. It is substituted with a none custodial sentence to keep the peace and be of good behaviour for 30 days.

It is so ordered.

Dated, and Signed this 30th day of June 2015.

J. N. MULWA

JUDGE