

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIVASHA

Criminal Revision No. 85 Of 2015

R L.....1ST APPLICANT

I B2ND APPLICANT

-VERSUS-

REPUBLIC.....RESPONDENT

(From original Committal Order in Criminal Case No. 2074 of 2014 of the Chief Magistrate's Court at Narok)

COURT'S ORDER ON REVISION

1. The Subjects were charged with Stealing Contrary to Section 275 of the Penal Code. They pleaded guilty and were convicted and sentenced to twelve (12) months imprisonment.
2. The matter was referred to me by the Hon. Chief Magistrate Narok for revision. The reason for the referral is that the "accused" persons were minors at the time of conviction and sentence. They have been in prison since then. It would seem that the matter of their age at the time was not brought to the attention of the plea court.
3. I have perused the birth certificates in respect of the subjects as well as related correspondence from the National Police Service and the Ministry of Interior and Co-ordination of National Government confirming the authenticity of the birth certificates in respect of the minors.
4. In the circumstances I do hereby quash the conviction against the Appellants recorded in lower court and substitute it with a finding of guilty. I will set aside the sentence of 12 months imprisonment imposed on the minors and order that they be released forthwith from prison and delivered into the care and custody of their parents.

Written and signed at Naivasha this 24th day of **September, 2015**

C. MEOLI

JUDGE