



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MOMBASA**

**CRIMINAL REVISION NO. 11 OF 2014**

**JAMES MICHAEL LUYALI .....APPLICANT**

**VERSUS**

**REPUBLIC .....RESPONDENT**

***( From Original Conviction and Sentence in Criminal Case No. 533 of 2014 of the Chief Magistrate's Court at Mombasa – Hon. V. Kachuodho– RM )***

**REVISION**

The Applicant was charged in Court on the 13th day of March, 2014 with the offence of impersonating a public officer contrary to Section 105 (b) of the Penal Code.

He pleaded guilty to the charge and was Sentenced to one (1) months imprisonment on the same day (13th March, 2014).

The particulars of the charge are that:-

***“On the 12th day of March, 2014 at Wayani Estate in Chaangamwe within Mombasa County falsely presented himself to be a person employed in the public service namely County government of Mombasa and assumed to arrest and search ROSE AMBOGA OSUR”.***

The offence of impersonation carries a maximum Sentence of three (3) years. The applicant was Sentenced to one (1)month imprisonment from 13th March, 2014. The trial magistrate was very lenient in Sentencing him to only one month (1) imprisonment.

I find no good reason to interfere more so when the applicant has nearly served the whole term. During mitigation in the lower Court he did not state that he was ailing.

I decline revision of the Sentence.

Ruling delivered dated and signed this **25th** day of **March, 2014**.

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**M. MU YA**

**JUDGE**

**25TH MARCH, 2014**

**In open Court in the presence of:-**

Learned State Counsel Miss Fundi

Learned Counsel for the applicant absent

Court clerk Mr. Buoro

**M. MUYA**

**JUDGE**

**25TH MARCH, 2014**

**COURT - FURTHER ORDER:**

As the applicant appears to be sick to be taken for medication.

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**M. MUYA**

**JUDGE**

**25TH MARCH, 2014**