



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**

**AT MOMBASA**

**CRIMINAL REVISION NO. 26 OF 2014**

**REPUBLIC ..... RESPONDENT**

**VERSUS**

**MARK NDERITU**

**JERUTO RASHIA ..... APPLICANTS**

**RULING**

The application for review is vide a letter dated 22nd May, 2014 which seeks the review in PCR 456 of 2014 Accused **JERUTO RASHIA**.

The two (2) were charged with the offence of selling liquor at an authorized hours contrary to Section 34(a) of the Alcoholic drinks Control Act.

They each pleaded guilty and were subsequently Convicted and fined Ksh. 30,000/= in default five (5) months imprisonment. In the same letter which forms the basis of the revision application it is conceded that under Section 34(a) of the Alcoholic drinks Act 2010 the maximum fine is Ksh. 50,000/= or to imprisonment for a term not exceeding nine (9) months. In the present case the Accused persons were fined Ksh. 30,000/= in default five (5) months imprisonment which is well within the sentence imposed by law.

I find no illegality on the Sentence. It is noted that one of the applicants has already been released upon paying the fine.

The application has no merit and its dismissed. No reason to interfere with the Sentence.

Ruling delivered dated and signed this **30th** day of **May, 2014**.

.....

**M. MUYA**

**JUDGE**

**30TH MAY, 2014**

**In the presence of:-**

Learned Counsel for the Defence Mr. Omari

Learned Counsel for the State Mr. Kiproo

Court clerk Musundi