

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYERI

CRIMINAL REVISION CASE NO. 3 OF 2014

FRANK AMOUR NZAMBAAPPLICANT

versus

REPUBLICRESPONDENT

REVISION

1. By a letter dated 4th November 2013 the applicant moved the court for revision of sentence under section 362 and 364 of Criminal Procedure Code.
2. The applicant was charged with two counts of cheating contrary to section 315 of the Penal Code the particulars of which were that on 11th day of September 2012 at Karatina township in Mathira District within Nyeri county jointly with another not before the court by means of fraudulent trick induced Gladys Mumbi Mwangi to deliver a sum of Ksh. 180,000/- to him.
3. He faced a second count of cheating contrary to section 315 of the Penal Code the particulars of which were that on 15th day of September 2012 at Karatina township within Mathira East District in Nyeri county with another not before the court by means of fraudulent trick induced Gladys Mumbi Mwangi to deliver a sum of Ksh. 320,000/- to him.
4. The applicant was sentenced to serve 28 months imprisonment for each count to run concurrently and his complaint was that he was imprisoned without an option of a fine while there is a fine for the offence.
5. It should be noted that section 315 of the Penal Code wherein the applicant was charged has no option of a fine and provides for a sentence for three years. I therefore find no fault with the trial court sentence herein and decline to interfere with the same.

Dated and delivered at Nyeri this 31st day of July 2014.

J. WAKIAGA

JUDGE