

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

REVISION NO. 220 OF 2013

(Being A Revision in the Conviction and Sentence on 26.08.2013 by the Honourable J.Kwena Senior Principal Magistrate at Bomet in Criminal Case No. 810 of 2013)

MERCY CHEPNGENO.....APPLICANT

-VERSUS-

REPUBLIC.....RESPONDENT

(Before Hon. Justice Byram Ongaya on Friday 18th October, 2013)

RULING ON REVISION

This is the ruling in an application for revision under **Sections 362 and 364** of the **Criminal Procedure Code, Chapter 75** of the **Laws of Kenya**, and under Section 8(2) of the Community Service Orders Act, 1998. The applicant is Mercy Chepngeno who was charged with the offence of being in possession of alcoholic drink without a licence contrary to Section 27(1) (a) as read with Section 34(a) of the Alcoholic Drinks Control Act No. 4 of 2010 of the Laws of Kenya in the Senior Principal Magistrate's Court at Bomet.

The applicant pleaded guilty as charged and the learned trial magistrate on 26.08.2013 convicted and sentenced her to a fine of Kshs.50, 000 or to serve 6 months imprisonment. She has served about 2 months imprisonment.

The probation officer has filed a report in view of the application for revision now before this court. The report indicates that the applicant is performing cleaning duties at the prison. The report states that the applicant is remorseful and is willing to engage in lawful employment. The court considers that the applicant has discovered the essence of being a good and law abiding citizen.

In conclusion, the sentence by the honourable trial court is altered and substituted with the order for the applicant to perform community service for 40 days under the chief at the Silibwet location, Chief's office.

Signed, dated and delivered in court at Kericho this Friday, 18th October, 2013.

BYRAM ONGAYA

JUDGE