



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KERICHO**

**REVISION NO. 206 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. 808of 2013)*

**NANCY KIRUI.....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 Nancy Kirui who was charged with the offence 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.30, 000.00 or to serve 5 months imprisonment. She has served 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 she is willing to improve and exploit lawful employment. The court considers that the applicant has discovered the essence of being a good and law abiding citizen. She is keen to take care of her 8 children and she is a widow.

In conclusion, the sentence by the honourable trial court is altered and substituted with the order for the applicant to perform community service for 30 days under the in-charge at the Kaptumo dispensary.

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

**BYRAM ONGAYA**

**JUDGE**