

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

REVISION NO. 278 OF 2013

*(BEING A REVISION IN THE CONVICTION AND SENTENCE ON 9.09.2013 BY THE HONOURABLE
J.KASAM SENIOR RESIDENT MAGISTRATE AT SOTIK IN CRIMINAL CASE NO. 1383 OF 2013)*

JANE MAINA.....APPLICANT

-VERSUS-

REPUBLIC.....RESPONDENT

(BEFORE HON. JUSTICE BYRAMONGAYA 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 Jane Maina who was charged with two counts of the offence of selling alcoholic drinks without a licence contrary to section 27(1) (b) and selling alcoholic drinks without proper packaging contrary to section 32(1) and 32(a) and (b) of the Alcoholic Drinks Control Act No. 4 of 2010 of the Laws of Kenya in the Senior Resident Magistrate's Court at Sotik.

The applicant pleaded guilty as charged and the learned trial magistrate on 9.09.2013 convicted and sentenced her to a fine of Kshs.50, 000 or to serve 5 months imprisonment for each count. She has served about 1 month and 6 days 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 nursing for the sick at the prison. The report states that the applicant is remorseful and is willing to engage in lawful employment. She is expecting her seventh child. 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 30 days under the principal at the Tulwet Secondary School.

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

BYRAM ONGAYA

JUDGE