

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

REVISION NO. 191 OF 2013

(BEING A REVISION IN THE CONVICTION AND SENTENCE ON 19.07.2013 BY THE HONOURABLE SENIOR PRINCIPAL MAGISTRATE , J. KWENA AT BOMET IN TRAFFIC CRIMINAL CASE NO. 312 OF 2013)

PARTRICK LANGAT.....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 Partrick Langat who was charged with the offences of failing to maintain parts and equipments of a motor cycle contrary to Section 55(1) of the Traffic Act, Chapter 403, Laws of Kenya; and riding a motor cycle without a driving licence contrary to section 25 A(6) and (8) of the Traffic Act, in Traffic Criminal case No. 312 of 2013 in the Senior Principal Magistrate's Court at Bomet.

The applicant pleaded guilty as charged and the learned trial magistrate on 19.07.2013 convicted and sentenced him, for each charge, to a fine of Kshs. 11,000 or to serve four months imprisonment. The probation officer has filed a report which establishes as follows:

- a. **The applicant has served 2 months of the total 8 months imprisonment.**
- b. **During the imprisonment the applicant has been working on the farm and he has gained considerable skills that will help him in the future.**
- c. **The applicant is remorseful and has prayed for leniency and realizes that compliance with the traffic laws including obtaining all documents is important.**
- d. **The applicant's parents are willing to receive the applicant back and the home environment is convenient**

Accordingly, the report recommends that the applicant is suitable for community service at CID office in Bomet.

The court has considered the report by the probation officer and the period of 2 months already served. The court has noted that the applicant is remorseful. In the circumstances of the case, the sentence of the fine of Kshs. 22,000.00 or 8 months imprisonment is altered and substituted with the order that the applicant shall perform community service, for 60 days from the date of this ruling, at the CID office in Bomet under the supervision of the Police officer in-charge of the office.

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

BYRAM ONGAYA

JUDGE