

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

REVISION NO. 203 OF 2013

(Being A Revision in the Conviction and Sentence on 12.09.2013 by the Honourable V.Karanja Acting Senior Resident Magistrate at Bomet in Criminal Case No. 868 of 2013)

RECHO ROTICH.....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 Recho Rotich 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 Acting Senior Resident Magistrate's Court at Bomet.

The applicant pleaded guilty as charged and the learned trial magistrate on 12.09.2013 convicted and sentenced her to a fine of Kshs.25, 000.00 or to serve 3 months imprisonment. She has served 1 month 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 duties of a cook at the prison. The report states that the applicant is remorseful; and she is a mother and she is willing to improve and become a better law abiding citizen. 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 chief at the Kaboson location Chief's office.

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

BYRAM ONGAYA

JUDGE