

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

REVISION NO. 204 OF 2013

(BEING A REVISION IN THE CONVICTION AND SENTENCE ON 21.08.2013 BY THE HONOURABLE J.KWENA SENIOR PRINCIPAL MAGISTRATE AT BOMET IN CRIMINAL CASE NO. 791 OF 2013)

VIVIAN CHEBII CHEPKWONY.....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 Vivian Chebii Chepkwony who was charged with the offence of selling alcoholic drinks without a licence contrary to Section 9(1) (b) as read with Section 62 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 21.08.2013 convicted and sentenced her to a fine of Kshs.10, 000.00 or to serve 5 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 she is a mother and her family is willing to assist her 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 20 days under the chief at the Siongiroi location Chief's office.

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

BYRAM ONGAYA

JUDGE