

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU

Criminal Revision 323 of 2010

EVANS WANGURU KAHIGA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

JUDGMENT OF REVISION

Prisoner Evans Wanguru Kahiga was charged with the offence of causing obstruction on a public road contrary to section 53(4) of the Traffic Act, (Cap. 403, Laws of Kenya), and a further offence of Picking up and Setting Down Passengers at a place other than bus stage contrary to Section 102(4) of the Traffic Act. The prisoner pleaded guilty and was sentenced to pay a fine of Shs 10,000/= on the 1st count and Shs 3,000/= on the 2nd count, and in default to 18 months and 1 month imprisonment respectively.

A report by the Community Service Officer shows that the prisoner is remorseful and regrets his error, and recommends that he could serve his sentence under a Community Service Order.

I therefore direct that the sentence of 18 months and 1 month respectively on the two counts, shall run concurrently. Secondly I direct that the prisoner shall serve the balance of his sentence at Heshima Primary School always under the regular supervision of the Community Service Officer.

Dated and signed at Nakuru this 29th day of April 2010

M. J. ANYARA EMUKULE

JUDGE