

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

Criminal Revision 329 of 2010

BENSON NJUGUA NJOROGE.....ACCUSED

VERSUS

REPUBLIC.....PROSECUTOR

JUDGMENT ON REVISION

The Accused was charged with the offence of conversion of the use of a vehicle contrary to Section 294 of the Penal Code (Cap. 63, Laws of Kenya). He was convicted on his plea of guilty. The trial court imposed a fine of Shs 10,000/= or 6 months imprisonment.

The punishment for an offence under Section 294 of the Penal Code is imprisonment for 6 months or a fine of Shs 3,000/= or both. The fine of Shs 10,000/= was unlawful.

In exercise of the powers conferred upon this court by Section 364(1) of the Criminal Procedure Code (Cap. 75 Laws of Kenya), the sentence of Shs 10,000/= is hereby quashed and in lieu thereof a fine of Shs 3,000/= is imposed and confirm the default sentence of 6 months if the Accused fails to pay the said fine.

There shall be orders accordingly.

Dated, signed and delivered at Nakuru this 15th day of April, 2010

M. J. ANYARA EMUKULE

JUDGE