



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MOMBASA**

**CRIMINAL REVISION NO. 117 OF 2010**

*[Arising from Traffic Case No. 11,748 of 2010 & 9995 of 2010 of the Chief Magistrate's Court at Mombasa)*

**WILLIAM KIBICHO GATHUNGU ..... APPLICANT**  
**VERSUS**  
**REPUBLIC ..... RESPONDENT**

**RULING**

The Applicant herein **WILLIAM KIBICHO GATHUNGU**, wrote to the Deputy Registrar of the High Court vide letter dated 27<sup>th</sup> October 2010 seeking a review of his sentence for a charge of **FAILING TO ATTEND COURT CONTRARY TO SECTION 117(8) AS READ WITH SECTION 118(2)(a) OF THE TRAFFIC ACT** in Traffic Case **No. 11748 of 2010**. The Applicant claims that he was charged and sentenced for the very same offence on 21<sup>st</sup> September 2010 in Traffic Case **No. 9995 of 2010**. I have obtained and perused the original of both the lower court files. In the earlier case **TR. No. 9995/10** the Applicant was charged and pleaded to only one offence which was **CARELESS DRIVING CONTRARY TO SECTION 49(1) OF THE TRAFFIC ACT**. The matter is scheduled for hearing before the subordinate court on 3<sup>rd</sup> December 2010. Contrary to what the Applicant has stated in his letter he was not charged with Failing to Attend Court. In this the Applicant is clearly mistaken. In the later file **TR. No. 11748/2010**, the Applicant faced two charges. Count No. 1 was that of Failing to Attend Court, and Count No. 2 was Driving without a valid Driving Licence contrary to Section 30(1) of the Traffic Act. Thus there has been no duplication of charges as alleged by the Applicant. All 3 counts referred to totally separate and distinct offences. I find nothing improper in the charges brought against the Applicant or the sentences imposed by the lower court. I therefore decline to review the same as no need exists to do so.

**Dated and Delivered in Mombasa this 29<sup>th</sup> day of October 2010.**

**M. ODERO**  
**JUDGE**