

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MALINDI

Criminal Revision 6 of 2008

WILLIAM WANYONYIAPPLICANT

VERSUS

REPUBLICRESPONDENT

REVISION

By a letter dated 5th March 2008, the applicant sought for revision of the sentence herein, to a fine.

I asked the counsel for the accused and the state to address me on this point.

Having heard from both of them, I am persuaded that this court has powers under Section 28 of the Penal Code to impose a fine where the law provides for both fine and custodial sentence.

My attention has also been drawn to the fact that the accused lost his wife on 2nd of March 2008. (A burial permit No. 499476 has been attached the revision letter). This is therefore an exceptional circumstance.

In the circumstances and tamper justice with mercy and revise the sentence herein to a fine of shs. 10,000/=. In default the accused to serve 12 months imprisonment. It is so ordered.

Dated this 6th day of March 2008.

N. R. O. Ombija

JUDGE