REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA
AT MALINDI

Criminal Revision 69 of 2007

CAROLINE RAMADHAN ……..APPLICANT

VERSUS

REPUBLIC …….RESPONDENT

REVISION

The accused, **Caroline Ramadhan,** was charged with the offence of being in possession of traditional liquor contrary to Section 25(1) of the Traditional Liquor Act (Cap 122) Laws of Kenya.

The particulars are that on the 21st day of March 2006 at about 11.00am, at Mwangaza Area in Zabaki Location of the Tana River District within Coast Province, was found being in possession of traditional liquor, to wit, 7 (seven) litres of liquor commonly known as Makolwe for sale without permit.

She was sentenced to serve community service work at Hola Law Courts for a period of six months *w.e.f* 25-7-2007.

By a letter dated 29th August 2007 she sought for revision upon the grounds that:

1. She was sentenced to community service by the learned magistrate on 27-7-2007 upon conviction.

2. The sentence was passed without the report of the Probation Officer.

3. The learned trial magistrate in his own discretion and without consultations with the probation office assigned her to his chambers between 7.30am to 11.30am everyday for six (6) months.

4. The said magistrate has been making several advances towards her on a daily basis since she reported to his chambers.

5. That she feels sexually harassed and is grossly apprehensive. She is undergoing psychological trauma at the moment.

6. She prays that the probation/community service order be revised by assigning her to a place other than the Resident Magistrate's Court at the Hola Court precincts.

I have carefully examined her compliant. It may be or may not be true. That notwithstanding, in exercise of my supervisory jurisdiction in terms of Section 362 of the Criminal Procedure Code, I revise her sentence to the period already served.

A copy of this order to be served upon the Resident Magistrate Hola.

DATED and delivered at Malindi this 6th day of May 2008.

N. R. O. Ombija

JUDGE