

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
CRIMINAL CASE 1 OF 2007

(FROM ORIGINAL MUNICIPAL CRIMINAL CASE NUMBER 5282 OF 2006
AT MOMBASA)

JACKLINE MWAMBA & 5 OTHERS.....APPLICANTS

VERSUS

REPUBLIC.....RESPONDENTS

R U L I N G

This matter has come to me by way of a revision.

Jackline Mwamba and five others were in Municipal Criminal Case number 5282 of 2006 charged with the offence of handling foodstuffs for sale under insanitary conditions contrary to section 7 and read with section 36(1) of the food, Drugs, and Chemical Substances Act Chapter 254 of the laws of Kenya. They all pleaded guilty and were sentenced to two months imprisonment without the option of fine.

The father of Jackline Mwamba has written to court seeking a revision of the order relating to that sentence on the ground that the sentence is too harsh.

I have perused the lower court record. The offence carries a sentence of Sh.500,000/= fine or two years imprisonment or both such fine and sentence.

The sentence of two months imprisonment is legal and very lenient. The accused persons and their relatives should know that by handling foodstuffs for sale under unsanitary condition puts the public at great risk. I therefore decline the interference with the sentence imposed by the learned trial magistrate.

DATED and delivered this 8th day of January 2007

D.K. MARAGA

JUDGE