

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU

Criminal Revision 88 of 2006

**(From original conviction and sentence of the Principal Magistrate's Court at Nyahururu in
Criminal Case No.905 of 2005 – P.M. Mungai – [P.M.]**

SAMUEL NDEGWA MWANGI.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

20.7.2006

This matter coming up for revision under section 364 of the CPC and upon considering the appropriateness of the conviction and sentence passed against the applicant based on the evidence on record and the provisions of the Children Act, the charge does not disclose any offence in view of the Children's Act 2001. The children were in possession of their mother and accordingly the conviction and sentence was uncalled for.

The conviction and sentence are accordingly quashed and set aside.

The applicant is to be set at liberty unless otherwise lawfully held.

It is so ordered.

Ruling read and signed on 20th July, 2006.

MARTHA KOOME

JUDGE

20.7.2006