

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

AT NAKURU

Revision 4 of 2005

(From original conviction and sentence in Criminal Case No.351 of 2005 of the

Senior Resident Magistrate's Court at MOLO – MR. SAGERO DM II)

REPUBLIC.....PROSECUTOR

VERSUS

JOTHAM NJOROGE KIMANI.....ACCUSED

ORDERS ON REVISION

The accused was charged with stealing stock contrary to Section 278 of the Penal Code. He appeared before Sagero DM II (professional) and pleaded guilty to the said charge. The learned magistrate sentenced him to seven years imprisonment. The Senior Resident Magistrate at Molo Law Courts, Kirui R. K., realised that the trial magistrate had exceeded his jurisdiction as granted by Section 7(3) which allows a subordinate court of the second class to pass sentences in cases where they are authorised by law in cases of imprisonment, for a term not exceeding two years and he drew this courts' attention to the said illegality.

That was clearly an illegal sentence. I hereby revise the sentence and reduce the same to two (2) years with effect from 14th February, 2005 when the initial sentences was pronounced.

DATED at Nakuru this 14th day of June, 2005.

D. MUSINGA

JUDGE

14/6/2005