



IN THE HIGH COURT OF KENYA AT NAKURU

CRIMINAL APPEAL NO. 80 OF 2004

(From Original Conviction and Sentence in Criminal Case No. 1273 of 2004 of the Principal Magistrate's Court at Nyahururu) – Kathoka Ngomo

EUNICE MORAA MUSIOMA.....APPELLANT  
VERSUS  
REPUBLIC .....RESPONDENT

JUDGMENT OF THE COURT

The Appellant was charged with being in possession of traditional liquor Contrary to Section 25(1) of the Traditional Liquor Act. She was also charged with being in possession of chang'aa Contrary to Section 3(1) of the Chang'aa Prohibition Act. She pleaded guilty to both counts and was sentenced to three months imprisonment on each count. Each sentence was to be served concurrently.

The Appellant was sentenced on the 19th of March 2004. She has now served half of the sentence imposed by the Court. She says she is remorseful and will not repeat the offence. This Court has considered her mitigation and the fact that the period that she has served has taught her not to repeat the offence again. Mr. Gumo learned State Counsel has left this Court to exercise its discretion on sentence. Considering all the circumstances of this case, I commute the sentence of the Appellant to the period already served. The Appellant is hereby set at liberty unless otherwise lawfully held.

It is so ordered.

**DATED at NAKURU this 5th day of May 2004.**

**L. KIMARU**  
**AG. JUDGE**