

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII
CRIMINAL REVISION CASE NO. 48 OF 2004

(From original Oyugis in Criminal Case No.409 of 2004 of Senior Resident Magistrate Court at Oyugis –B. J. NDEDA ESQ., (DM PROFF)

PAMELLA AUMA OMBANI APPLICANT.
VERSUS
REPUBLIC RESPONDENT.

RULING

Applicant seeks for review. She was convicted and sentenced for two counts the first being that of loitering for immoral purpose c/s.154 of the Penal Code. There is no Section like 154 (b) in the penal Code. S.154 P.C. has no sub section. S.154 deals with offence of a woman living an immoral earning or aiding or abetting prostitution. The applicant was therefore tried on non-existence section. I quash conviction and sentence Count 1. If fine was paid it be refunded.

In Count 2 that of being drunk and disorderly. She was find shs.500/= i/d 7 days imprisonment. There was nothing illegal or wrong with that sentence and I decline to interfere with the same.

Dated 30th day of July 2004
KABURU BAUNI

JUDGE