

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROIB

CRIMINAL APPEAL NO. 167 OF 2003

**From Original Conviction and sentence in Traffic Case No. 183 of 2003 of
the Snr. Principal Magistrate's Court at Kibera**

**MOHAMUD MOHAMED.....APPELLANT
VERSUS
REPUBLIC.....RESPONDENT
JUDGMENT**

This appeal, is against sentence only. The two offences attract a fine in default imprisonment. The appellant should have been given an option of a fine before imprisonment. He has served one month and 10 days in prison. That is sufficient punishment. This appeal is allowed by reducing the sentence to the period already served such that the appellant shall be released forthwith unless otherwise lawfully held. Order accordingly.

Dated and delivered at Nairobi this 31st day of March 2002

**MBOGHOLI MSAGHA
JUDGE**