



REPUBLIC OF KENYA



KENYA LAW
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**Ombaye v Republic (Criminal Revision E065 of 2024)
[2024] KEHC 6544 (KLR) (13 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 6544 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CRIMINAL REVISION E065 OF 2024**

WA OKWANY, J

MAY 13, 2024

BETWEEN

CAROLINE KERUBO OMBAYE APPLICANT

AND

REPUBLIC RESPONDENT

(From the original Conviction and Sentence in the Senior Principal Magistrates' Court at Keroka, Criminal Case No. MCCR E821 of 2023 by Hon. M. Munyekenye, Senior Principal Magistrate on 6th December 2023)

RULING

1. The Applicant was convicted on her own plea of guilty for the offence of being in possession of alcoholic drinks contrary to section 27 (1) (b) as read with section 27 (4) of the [Alcoholic Drinks Control Act](#) No. 4 of 2010. The trial court sentenced her to pay a fine of Kshs. 100,000/= or in default, to serve 8 months imprisonment. The Applicant has served 3 months of her sentence. The Sentence Review Report filed on 3rd April 2024 by the Probation Officer Jackline Mwei recommends a non-custodial sentence. I hereby direct that the Applicant be released from Prison forthwith unless she is otherwise lawfully held.

Orders accordingly.

DATED AND DELIVERED AT NYAMIRA ON THIS 13TH DAY OF MAY 2024.

W. A. OKWANY

JUDGE

