



**Adhiambo v Republic (Criminal Revision E134 of 2024)  
[2024] KEHC 10609 (KLR) (10 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 10609 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CRIMINAL REVISION E134 OF 2024  
RE ABURILI, J  
SEPTEMBER 10, 2024**

**BETWEEN**

**CAROLINE ADHIAMBO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original conviction and sentence in Winam Senior  
Principal Magistrate's Court Criminal Case No. E581 of 2024)*

**RULING**

1. The convict Caroline Adhiambo was convicted vide Winam SPM Criminal Case No. E581 of 2024 on 20<sup>th</sup> August 2024 and sentenced to serve 90 days imprisonment for the offence of being in possession of 10 litres of alcoholic drink to wit, changaa, without a licence.
2. She was given an alternative of a fine of Kshs.10,000.
3. She was unable to raise the fine. She is serving a prison term.
4. I have called for and perused the trial court record. There was no presentence report. There is no evidence that the convict is a recidivist or repeat offender.
5. The sentence imposed was lawful. However, the trial court could have exercised discretion and sentenced her to community service or Probation, considering the amount of illicit brew found on the convict who pleaded guilty to the charge.
6. The convict has served 20 of the 90 days in jail.
7. I revise the sentence imposed, in the spirit of prison decongestion and order that the convict Caroline Adhiambo is hereby conditionally discharged and shall not commit any other or similar offence for the next six (6) months of the date hereof.



8. Therefore, unless otherwise lawfully held, Caroline Adhiambo is hereby set at liberty forthwith.
9. Signal to issue.
10. This file is closed.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 10TH DAY OF SEPTEMBER, 2024**

**R. E. ABURILI**

**JUDGE**

