



REPUBLIC OF KENYA



KENYA LAW
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**Magone v Republic (Criminal Revision E049 of 2023)
[2023] KEHC 20477 (KLR) (18 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 20477 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CRIMINAL REVISION E049 OF 2023
WA OKWANY, J
JULY 18, 2023**

BETWEEN

HELLEN MAGONE APPLICANT

AND

REPUBLIC RESPONDENT

(From the original Conviction and Sentence in the Senior Principal Magistrates' Court at Keroka, Criminal Case No. MCCR E269 of 2023 by Hon. B.M Kimtai, Senior Principal Magistrate on 4th May 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. 10,000/= or in default, to serve 4 months imprisonment. The applicant has already served 2 months in custody. The Sentence Review Report filed on July 5, 2023 by Probation Officer Daisy Lang'at recommends a non-custodial sentence. I hereby direct that the applicant serves a Community Service Order at Esani Chief's Officer under the supervision of Mr. Basline Nyandika for the remaining period of two months.

Orders accordingly.

DATED AND DELIVERED AT NYAMIRA ON THIS 18TH DAY OF JULY 2023.

W.A. OKWANY

JUDGE

