



**Muthoni v Republic (Criminal Revision 179 of 2024)
[2024] KEHC 15441 (KLR) (4 December 2024) (Ruling)**

Neutral citation: [2024] KEHC 15441 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 179 OF 2024
DR KAVEDZA, J
DECEMBER 4, 2024**

BETWEEN

JOSEPH MIANO MUTHONI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This file was opened for purposes of considering whether the convict Joseph Miano Muthoni is suitable for consideration of his sentence review in the spirit of prison decongestion pursuant to the Chief Justice Memo dated 7th December 2022.
2. The applicant was convicted on four counts of offences. Count I was riding a motorcycle without a valid driving license contrary to section 103B(5) as read with section 103B(7) of the *Traffic Act* Cap 403 Laws of Kenya, count II was riding an uninsured motorcycle contrary to section 103B(3) as read with section 103B(7) of the *Traffic Act*, count III was failing to wear a reflective jacket contrary to section 103B(7) of the *Traffic Act*, and count IV was failing to wear a helmet contrary to section 103B(7) of the *Traffic Act* Cap 403 Laws of Kenya.
3. He was sentenced to pay a fine of sum Kshs. 5,000 for and in default to serve three (3) months imprisonment for count I and count II each, while for count v default to serve one (1) month imprisonment, making it a total of Kshs. 13,000.
4. In my view, the sentence served is sufficient. The applicant is to be released forthwith unless otherwise lawfully held.

Orders accordingly.

RULING DATED AND DELIVERED VIRTUALLY THIS 4TH DAY OF DECEMBER 2024

D. KAVEDZA



JUDGE

