

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KITALE

CRIMINAL REVISION NO. E253 OF 2021

(From original conviction and Sentence in Criminal Case No. E4040 of 2021 of the

Chief Magistrate's Court at Kitale).

ZAIDA KEYA1ST APPLICANT

CONSOLATA SIMIYU2ND APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

The Applicants, **Zaida Keya** and **Consolata Simiyu** were convicted on their own plea of guilty of the offence being in Possession of alcoholic drinks which do not conform to the requirements of Alcoholic Drinks Act in particular Section 27(1) (b) as read with Section 27(4) thereof. They were each sentenced to pay a fine of Kshs 200,000/= or in default serve six months imprisonment. They did not pay the fine. They are serving the default custodial sentence. The file has been placed before this court for revision of sentence.

This court formed the view that the sentence meted on the Applicants was indeed harsh and excessive taking into consideration the amount of illegal Liquor that was recovered in their possession.

In the premises therefore, this court commutes the default custodial sentence currently being served by the Applicants to the period served. They are ordered set at liberty forthwith and released from custody unless otherwise lawfully held. It is so ordered.

DATED AT KITALE ON THIS 7TH DAY OF OCTOBER, 2021.

L. KIMARU

JUDGE