

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NANYUKI

CRIMINAL REVISION NO.87A OF 2020

AWINA LESERI.....APPLICANT

VERSUS

REPUBLICRESPONDENT

(Revision of the Original Sentence dated 16.12.19 in Maralal Criminal Case No.539 of 2019– A. Gachie, SRM)

08.04.2020

Before Justice H P G Waweru

In Chambers

ORDER ON REVISION

1. I have examined the trial court record.
2. The convict herein, AWINA LESERI, was on 16.12.19, sentenced to a fine of Kshs.200,000= and in default to serve three(3) years imprisonment for the offence of Performing Female Genital Mutilation contrary to Section 19(1) of the Prohibition of Female Genital Mutilation Act, No.32 of 2011.
3. The default sentence is illegal in view of Section 28(2) of the Penal code. It should not have been more than 12 months.
4. I will therefore set aside the default sentence and substitute therefor a term of 12 months imprisonment from 16.12.19. It is so ordered.

DATED AT NANYUKI THIS 8TH DAY OF APRIL, 2020

H.P.G. WAWERU

JUDGE.

DEPUTY REGISTRAR

NANYUKI HIGH COURT