



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NANYUKI**

**CRIMINAL REVISION NO.69 OF 2020**

**BENSON KAGWANJA WERU.....APPLICANT**

**VERSUS**

**REPUBLIC .....RESPONDENT**

*(Revision of the Original Sentence dated 28..2020 in Nanyuki Criminal Case No.229 of 2020)*

**07.04.2020**

Before Justice H P G Waweru

In Chambers

**ORDER ON REVISION**

**1. I have examined the trial court record.**

**2. The convict herein, BENSON KAGWANJA, was on 28.02.2020 sentenced to a fine of Kshs.13,000= and in default to serve a total period of 16 months imprisonment for the offence of Stealing contrary to Section 268(1) and 275 of the Penal Code and Creating a disturbance contrary to Section 95(1)(b) of the Penal Code. He did not pay the fines.**

**3. Because of the current Coronavirus (COVID – 19) crisis in our country, and in an effort to de-congest the prisons, and in exercise of the powers of the Court under Article 159(2) of the Constitution and Sections 362 & 364 of the Criminal Procedure Code, I hereby set aside the default sentence and substitute therefore the time already served.**

**4. The convict shall therefore be set at liberty forthwith unless otherwise lawfully held.**

**5. It is so ordered.**

**DATED AT NANYUKI THIS 7<sup>TH</sup> DAY OF APRIL, 2020**

**H.P.G. WAWERU**

**JUDGE.**

**DEPUTY REGISTRAR**

**NANYUKI HIGH COURT**