



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NANYUKI**

**CRIMINAL REVISION NO.24 OF 2020**

**JOHNSON MURAGE KARENGITHI.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

(Revision of the Original Sentence dated 25.02.2020 in Nanyuki Criminal Case No.747 of 2019– L. Mutai, CM)

**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, JOHNSON MURAGE KARENGITHI, was on 25.02.2020, fined Kshs.40,000= and in default to serve 12 months imprisonment for the offence of assault causing actual bodily harm contrary to Section 251 of the Penal Code. He did not pay the fine.
3. The default sentence is illegal in view of the provisions of Section 28(2) of the Penal Code. For a fine of Kshs.40,000= the default sentence should not exceed six(6) months imprisonment.
4. In the Circumstances, I will set aside the default sentence of 1 year imprisonment and substitute therefore six (6) months imprisonment. To that extent only will this court interfere with the sentence. It is so ordered.

**DATED AT NANYUKI THIS 8<sup>TH</sup> DAY OF APRIL, 2020**

**H.P.G. WAWERU**

**JUDGE.**

**DEPUTY REGISTRAR**

**NANYUKI HIGH COURT**