

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NANYUKI

CRIMINAL REVISION NO.26 OF 2020

SIMON MURIMI GITHAIGA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Revision of the Original Sentence dated 21.01.2020 in Nanyuki

Criminal Case No.895 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, SIMON MURIMI GITHAIGA, was on 21.01.2020, fined Kshs.100,000= and in default to serve 2 ½ years 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 obviously illegal in view of the provisions of Section 28(2) of the Penal Code. It should not have been more than 12 months.
4. In the circumstances, I hereby set aside the default sentence of 2 ½ years **and substitute therefor twelve (12) months imprisonment with effect from 21.01.2020. It is so ordered.**

DATED AT NANYUKI THIS 8TH DAY OF APRIL, 2020

H.P.G. WAWERU

JUDGE.

DEPUTY REGISTRAR

NANYUKI HIGH COURT