



**REPUBLIC OF KENYA**

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

**CRIMINAL REVISION NO.71 OF 2020**

**SIMON MOYARE.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

*(Revision of the Original Sentence dated 13.09.2019 in Nanyuki Criminal Case No.18 of 2019)*

**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, SIMON MOYARE, was on 13.09.2019 sentenced to a fine of Kshs.30,000= and in default to serve ten (10) months imprisonment for the offence of Packaging Alcoholic drinks in unlawful manner contrary to Section 91A(1) & (2) of the Customs & Excise Act, Cap 474. He did not pay the fine.
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