



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NANYUKI
CRIMINAL REVISION NO.116 OF 2020

(From Original Conviction and Sentence in Nanyuki Criminal Case No.317 of 2020)

FRANKLIN MUSYOKA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

13/07/2020

Coram: Before Waweru, J

(In chambers)

ORDER IN REVISION

1. At the application of the convict herein, I have called for and examined the record of the trial court.
2. The convict, **FRANKILIN MUSYOKA**, was convicted upon his own plea of an offence under the **Public Health (COVID-19 Restriction of Movement of Persons of Related Measures/Rules, 2020** made under the **Public Health Act**. He was fined Kshs.8,000/00 and in default to serve five (5) months imprisonment. He did not pay the fine and has been serving the sentence from 08/05/2020.
3. The convict’s complaint is with regard to the default sentence only.
4. The default sentence is illegal in view of Section 28(2) of the Penal Code; it should not have been more than three (3) months for a fine that does not exceed Kshs.15,000/00.
5. I will in t he circumstances set aside the default sentence and substitute therefore the period already served.
6. In the circumstances the convict that be set at liberty forthwith unless otherwise lawfully held. It is so ordered.

GIVEN under my hand and seal of this Honourable Court this 13th day of July 2020

H.P.G. WAWERU

JUDGE.

ISSUED at NANYUKI this 14th day of July 2020.

DEPUTY REGISTRAR

NANYUKI HIGH COURT