



**REPUBLIC OF KENYA**

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

**CRIMINAL REVISION NO. 72 OF 2020**

**EVERLINE ACHIENG.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**RULING ON REVISION**

1. I have considered the application for sentence revision by the Applicant/Convict Everlyne Achieng. She was convicted for the offence of manufacturing alcoholic drinks and being found in possession of 50 litres of Kangara, which is the ingredient of manufacturing changaa. This was after she pleaded guilty to the charge and she was fined Kshs. 50,000/= in default to serve 12 months imprisonment from 21/9/2020.
2. In mitigation, the convict pleaded for leniency saying she had small children.
3. She now seeks for sentence revision via her Application dated 30/9/2020 for revision for her sentence and claims that the fine of Kshs. 50,000/= is excessive. She states that given a fine of Kshs. 20,000/=, she will pay to enable her return to her children, one of whom is young and still breastfeeding.
4. I have considered the application for sentence revision. The Plea was properly taken and the sentence imposed was lawful.
5. The convict is a first offender and pleaded for leniency. No Presentence report was called for to rule out a non-custodial or more lenient but lawful and deterrent sentence.
6. For the above reasons, I hereby revise the sentence imposed and substitute it with a fine of Kshs. 20,000/= (Kenya Shillings twenty thousand) and in default the convict shall serve six months in prison.
7. Orders accordingly.

**Dated signed and Delivered at Siaya this 8<sup>th</sup> Day of October 2020**

**R.E. ABURILI**

**JUDGE**