

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL DIVISION

CR. REVISION NO. 485 OF 2017

ODONGO ADIEMA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

The Applicant was charged with failing to maintain vehicle parts contrary to Section 55(1) as read with Section 58(1) of the Traffic Act. The facts were that the brake lights were defective.

According to the Applicant, only one brake light was not working and he was not aware about it. This would happen to many people. I think in the circumstances, the penalty imposed was harsh and excessive in the circumstances. More so, taking into account that the Applicant was a first offender.

I would accordingly find this a suitable application for revision of the orders sought. I set aside the fine of Kshs. 15,000/= imposed and substitute it with an order that the Applicant shall pay a fine of Kshs. 1,000/= in default, serve one month imprisonment. The balance of the amount of fine paid of Kshs. 14,000/= shall be refunded to the Applicant.

It is so ordered.

DATED and DELIVERED this 11th day of March, 2019

G.W. NGENYE-MACHARIA

JUDGE

In the presence of:

- 1. Applicant in person.*
- 2. M/s Sigei for the Respondent.*