



**REPUBLIC OF KENYA**

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

**REVISION NO. 19 of 2019**

**SUSAN KERUBO MANYAGA.....APPLICANT**

**=VRS=**

**THE REPUBLIC.....RESPONDENT**

**{Being a Revision against the conviction and sentence of Hon. A. C. Towett – SRM Nyamira in Nyamira Chief Magistrate’s Court  
Criminal Case No. 1261 of 2019}**

**18<sup>th</sup> September, 2019**

Before Lady Justice E. N. Maina – J

**Court**

I have perused the application for revision carefully. If I understand it well, it is against the sentence imposed for possession of 80 litres of chang’aa. The gravaman of the application is that the sentence was harsh and excessive given that the convict was a first offender. There is no allegation that the proceedings were defective or irregular. Only that the applicant is remorseful and a non-custodial sentence should be considered.

My finding is that the case is not suitable for revision as the applicant ought to have appealed against the sentence (**see Section 364 (5) of the Criminal Procedure Code**). The application for revision is dismissed.

**E. N. MAINA**

**JUDGE**