



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NYAMIRA**

**CRIMINAL REVISION NO. 22 OF 2019**

**MARTHA KEMUNTO.....APPLICANT**

**=VRS=**

**THE STATE.....RESPONDENT**

**RULING**

I have perused the application for revision herein. The applicant was sentenced to a fine of Kshs. 60,000/= or six (6) months imprisonment for possession of alcoholic drinks without a licence. She pleaded guilty to the charge. My reading of her application is that she considers that sentence was excessive. In my view her case is not suitable for revision. An accused person who has pleaded guilty has a right of appeal albeit only as to the extent or legality of the sentence – *see Section 348 of the Criminal Procedure Code. Section 364 (5) of the Criminal Procedure Code* states: -

**“(5) When an appeal lies from a finding, sentence or order, and no appeal is brought, no proceeding by way of revision shall be entertained at the insistence of the party who could have appealed.”**

Accordingly, this application is not properly before the court and it is dismissed. This ruling shall be certified to the applicant and to the court that imposed the sentence as required by **Section 367 of the Criminal Procedure Code**. It is so ordered.

**Signed, dated and delivered in Nyamira this 6<sup>th</sup> day of November 2019.**

**E. N. MAINA**

**JUDGE**