



**REPUBLIC OF KENYA**

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

**CRIMINAL APPEAL NO. 67 OF 2018**

**JOSHUO OMBONGI.....APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

*(Appeal from the original conviction and sentence of Hon. S.K Onjoro – SRM dated 25<sup>th</sup> July 2018 at the Chief Magistrate’s Court at Kisii in Criminal Case No. 1881 of 2018)*

**JUDGMENT**

1. The appellant, JOSHUO OMBONGI pleaded guilty to the offence of manufacturing alcoholic drinks without a license contrary to section 8(1) (a) as read with section 71 of the Kisii County Alcoholic Drinks Control Act, 2015. It was alleged that on 24<sup>th</sup> July 2018, he was found manufacturing changaa using 60 litres of kangara without a license. He was sentenced to three months imprisonment in default of paying a fine of Kshs. 40,000/=.
2. At the hearing of his appeal, the appellant accepted that he had pleaded guilty but asked the court to exercise leniency since he was about to complete his sentence. Learned counsel for the State did not object to this course.
3. I hereby revise the sentence for JOSHUO OMBONGI and direct that he serves the balance of his sentence under Community Service. He is released unless otherwise lawfully held.

**Dated and delivered at Kisii this 17<sup>th</sup> day of September, 2018.**

**D.S MAJANJA**

**JUDGE**

Mr. Otieno, Senior Prosecution Counsel, instructed by Office of Director of Prosecutions.

Appellant in person.