

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL DIVISION

CRIMINAL REVISION NO. 878 OF 2018

CHARLES WANG'OMBE WANGUI.....APPLICANT

VERSUS

REPUBLICRESPONDENT

RULING

I agree with the Learned State Counsel. Imposing the maximum sentence without reasons attached to it is an improper exercise of the discretion in sentencing.

A look at the charge sheet also demonstrates that the defects in the motor vehicle (inspection report refers) were minor and did not call for the maximum penalty. After all, the Applicant was a driver and not responsible for the maintenance. This should have mitigated for a more lenient sentence.

In the circumstances, I set aside the sentence passed. I substitute it with an order that the Applicant has served sufficient sentence. I order that he be forthwith set free unless otherwise lawfully held.

DATED and DELIVERED this 14th day of November, 2018

G.W. NGENYE-MACHARIA

JUDGE

In the presence of:

1. Ms. Nyauncho for the State
2. Applicant present in person