



**REPUBLIC OF KENYA**

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

**CRIMINAL DIVISION**

**CRIMINAL REVISION NO. 811 OF 2018**

**SSEBYALA SULAIMAN.....APPLICANT**

**VERSUS**

**REPUBLIC .....RESPONDENT**

**RULING**

The Applicant was charged at Makadara Law Courts in Criminal Case No. 319 of 2018 with the offence of being in possession of forged bank notes or currency contrary to **Section 367(e) of the Penal Code**. The offence was committed on 9<sup>th</sup> February, 2018 at Eastleigh.

The Applicant had with him 7 pieces of 50 US Dollars denominations which he knew were fake currency.

He was presented to court on 12/2/2018 when he pleaded not guilty. On 9/8/2018 he changed his plea and was convicted on his own plea of guilty. He was sentenced to serve one and a half years imprisonment. He pleads for leniency stating that he was duped. He further pleads that the State helps him to return to his mother country as he has no means of travelling back to his country.

On the part of this court, I consider that the Applicant was a first offender. He also pleaded guilty, although later, thus saving precious Judicial time. The amount of money in his possession was also not too large. These are factors I consider, mitigate for leniency.

Cumulatively, he has been in remand for about nine months which I consider is sufficient sentence in the circumstances. I accordingly set aside the remainder of the jail term. I substitute it with an order that the Applicant be forthwith set free unless otherwise lawfully held. He shall be released to the Immigration Department so that the State can repatriate him to his mother country, Uganda.

**DATED and DELIVERED this 20<sup>th</sup> day of November, 2018**

**G.W. NGENYE-MACHARIA**

**JUDGE**