

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL DIVISION

CRIMINAL REVISION NO.114 OF 2016

(An Application for Revision arising out of the Decision by Hon. Onkwani – SRM

delivered on 8th April 2016 in Nairobi CMC CR. Case No.262 of 2016

MOHAMED AHMED KHDIR.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

The trial Court erred in sentencing the Applicant to serve a custodial sentence when there was an option of fine. The custodial sentence of the Applicant is set aside and substituted by a order of this court sentencing the Applicant to pay a fine of Kshs.300,000/-. The cash bail deposited in court is hereby converted into the fine. The Applicant shall be repatriated back to his home of origin – IRAQ. He shall avail to this court a copy of the air ticket that he has purchased so that he may be escorted to the Airport from Prison. The Applicant’s passport shall be released to him by the Immigration Department.

Mention on 5th May 2010 for further orders. The Applicant shall be detained in prison till then.

DATED AT NAIROBI THIS 4TH DAY OF MAY 2016

L. KIMARU

JUDGE