



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**CRIMINAL DIVISION**  
**CRIMINAL REVISION NO. 134 OF 2016**

**FARAH MOHAMED KASSIM ALIAS**

***HASSAN HILOWE YALAHOW.....*APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**RULING**

The application herein is for revision of sentence imposed on the Applicant. He was charged with the offence of knowingly using a passport issued to another person contrary to Section 54(1)(M) as read with Section 54(2) of the Kenya Citizenship and Immigration Act, 2011. It was alleged that on the 13<sup>th</sup> day of June, 2016 at Wajir Airport within Wajir County, being a Somalia national, was found using a South African passport number T00029410 issued to one Hassan Hilowle Yalahow while arriving in Kenya from Mogadishu, Somalia aboard Juba Airways Flight Number 3Y0714 using the said passport.

The Applicant was convicted on his own plea of guilty. He was sentenced to pay a fine of Ksh. 200,000/ in default serve 12 months imprisonment. The plea was taken on 15<sup>th</sup> June, 2016. His plea to this court is that he was arrested as he travelled to Mozambique to look for greener pastures. He also cannot afford the fine. Further that he lost his both parents during the civil war in Somalia. He states that he is remorseful and urges that court to release him.

I have accordingly considered the application. From the facts of the case, it clear that the Applicant deliberately used someone else' passport for reasons best known to himself. It is not clear why he could not secure his own passport that would have enabled him to travel to his destination. This being an era when Kenya is under threat of terrorism the offence cannot be taken lightly. More so because the Applicant was convicted on 15<sup>th</sup> June, 2016 and has therefore only served about two weeks out of the 12 months jail term imposed. He has not yet sufficiently felt the burden of serving the punishment for his mistakes. I am accordingly disinclined to allow the application.

In the end, the application is dismissed.

**Dated and Delivered at Nairobi this 6<sup>th</sup> Day of July, 2016**

**G.W.NGENYE-MACHARIA**

**JUDGE**

**In the presence of;**

1. Applicant in person.
2. Miss Sigei for the Respondent.