

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL DIVISION

CRIMINAL REVISION 182 OF 2016

PHILLIP OUKO.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

The lower court file in **Milimani Traffic Case No. 20986 of 2016 – Republic vs Phillip Ouko** was forwarded to this court pursuant to Section 362 and 364 of the Criminal Procedure Code with a view to the court satisfying itself as to the correctness, legality or regularity of the sentence passed. The applicant was the accused in the traffic case in which he was charged with two counts as follows:

Count 1: Using uninsured motor vehicle contrary to Section 4(1) of the Insurance Act Cap 405 Laws of Kenya, punishable by Section 4(2) of the said Act. It was alleged that on 30th September, 2016 at about 8.00 am along Ring Road within Nairobi County being the driver of motor vehicle Reg. No. KMDJ 006X make Lifan did use the said motor vehicle on a public road without insurance against 3rd party risks.

In the alternative, he was charged with failing to carry/display certificate of insurance contrary to Section 9(1) of the Insurance Act Cap 405 laws of Kenya.

Count 2: riding a motorcycle without driving licence contrary to Section 103B (5) as read with 103B (7) of the Traffic (Amendment) Act 2012 Cap 403 Laws of Kenya.

He was convicted on his own plea of guilty and sentenced to serve one month imprisonment in each of the counts. Sentences were to run concurrently.

In the current application, he pleads with the court to impose a non-custodial sentence bearing in mind that he pleaded guilty and did not waste the court's time. In addition he pleaded family difficulties in that being a young man of 21 years was the sole breadwinner of his family particularly his father who was admitted at Kenyatta National Hospital. The sentence was passed on 30th September, 2016. It is therefore noteworthy that the applicant has since served the sentence. The application is therefore overtaken by events and is spent. I accordingly order that the file be and is hereby closed.

DATED AND DELIVERED THIS 7TH Day OF DECEMBER, 2016

G.W. NGENYE-MACHARIA

JUDGE