



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL REVISION NO.48 OF 2015

JOSEPH NDIRANGU.....APPLICANT

VERSUS

REPUBLICRESPONDENT

RULING

Joseph Ndirangu the applicant herein was charged with five traffic offences as follows:-

Count I

Picking/Setting down passengers at a place unauthorized as a bus stop/terminal contrary to Rule 64(1) as read with rule 96 of the Traffic Amendment Rules Cap 403 Laws of Kenya.

Count II

Causing obstruction contrary to Section 53(1) of the Traffic Act Cap 403 Laws of Kenya punishable by section 53(d)(a) of the Traffic Amendment No.2 Act of 2012.

Count III

Failing to wear public service vehicle uniform contrary to Section 103 A(1)(2) of the Traffic Amendment Act of 2012 Cap 403 Laws of Kenya punishable by Section 103A(7) of the Said Act.

Count IV

Failing to wear public service badge contrary to Section 103(1) (3) of the Traffic Amendment Act of 2012 Cap 403 Laws of Kenya punishable by Section 103A(7) of the said Act.

Count V

Driving a public service vehicle on a public road without the drivers public service license contrary to Section 98(I) of the Traffic Act Cap 403 Laws of Kenya.

He was convicted on his own plea of guilty and sentenced as follows:-

Count I and II – fined Kshs.20, 000/- each in default one month imprisonment.

Count III – fined Kshs.1, 000/- in default one imprisonment.

Count IV and V – fined Kshs.5, 000/- each in default one month imprisonment.

The sentences were to run concurrently.

By Chamber Summons dated 18th March, 2015, the applicant asks the court to revise the sentences downwards. He states that he is a young married man with a sick wife and two school going children who wholly depend on him. He also states that he is remorseful and has reformed since his imprisonment. The Learned State Counsel Miss. Aluda did not oppose the application.

The court has taken into account that the applicant has so far served two calendar months and that the offences which the applicant was charged with were not so serious. He looked very remorseful in court and in the court's view he must have learnt his lesson for the period he has served the sentence. Although the applicant having pleaded guilty, redress lies in an appeal, this court is of the view that the period served in prison is sufficient punishment. Accordingly the court substitutes the sentences with an order that the applicant be and is hereby forthwith set free.

DATED and DELIVERED at NAIROBI this 12th day of MAY, 2015.

G. W. NGENYE – MACHARIA

JUDGE