

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
REVISION NO. 49 OF 2015

Z N.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

REVISION ORDER

The accused, **ZN**, is a 14 year old school girl who was arraigned before Nakuru Magistrate's Court on 29/4/2015 facing a charge of selling unprescribed alcoholic drinks contrary to **Section 32** of the **Alcoholic Drinks Act** and a second charge of selling alcoholic drinks without a licence contrary to **Section 2** of the same **Act**. The minor pleaded guilty to both charges. She was convicted and sentenced on the 1st count to a fine of Kshs.20,000/- in default three (3) months imprisonment and on the 2nd count she was fined Kshs.5,000/- in default two (2) months imprisonment. The accused was unable to raise the fine and is currently serving her sentence at the GK Prison in Nakuru.

A request for review of sentence was made in this matter by the Nakuru Sub-County Probation Officer vide a letter to court dated 5/5/2015. I note that the accused only 14 years old is a minor under the law. She is a school girl and attends Highland Mission School in Form I. I have perused her annexed report which shows that she is a promising student. I take judicial notice of the fact that schools have now opened for the 2nd term thus her continued incarceration will mean that her education will be compromised. Given this set of circumstances and given that the child has already spent about a week in prison, I hereby review her sentence and reduce it to time served. The accused is to be set at liberty forthwith unless she is otherwise lawfully held.

MAUREEN A. ODERO

JUDGE

6/5/2015