



**REPUBLIC OF KENYA**

**IN HIGH COURT OF KENYA AT MERU**

**CRIMINAL REVISION NO. 244 OF 2015**

**PAUL MWITI ..... APPLICANT**

**VRS**

**REPUBLIC..... RESPONDENT**

**REVISION**

**PAUL MWITI JAMES** appeared before the RM's Court on 30/3/2015 where he faced offences under the Traffic Act i.e. 6 counts. He denied the first charge but pleaded guilty to the rest. However, when it came to the sentence, he was sentenced to a fine of KShs.30, 000/= on Count 1 in default 6 months imprisonment yet he had not pleaded guilty to that particular charge. He is also serving sentence on the 5 other counts on which he pleaded guilty. It seems to have been an oversight on the part of the trial magistrate. Because of the error made by the trial court, I hereby quash the conviction on Count 1 and set aside the sentence. For purposes of clarification, the accused should only serve sentence on Counts 2 and 6.

It is so ordered.

**DATED, SIGNED AND DELIVERED THIS 6TH DAY OF OCTOBER, 2015.**

**R.P.V. WENDOH**

**JUDGE**

**6/10/2015**