



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
CRIMINAL REVISION NO. 29 OF 2014

SHARIFU MOHAMED SHARIFU..... APPLICANT

VERSUS

REPUBLICRESPONDENT

RULING

The Applicant **SHARIFU MOHAMED SHARIFU** pleaded guilty to five (5) Counts. The first one;

1. Being unlawfully present in Kenya.
2. Unlawfully making a false document.
3. Forging an endorsement
4. Knowingly using a travel document.
5. Knowingly, possessing a travel document.

On the 1st Count he was fined Ksh. 100,000/= in default one(1) year imprisonment.

On the second Count he was fined Ksh. 300,000/= in default eighteen months(18) Imprisonment.

3rd Count fined Ksh. 300,000/= in default eighteen (18) months Imprisonment.

4th Count fined Ksh. 300,000/= in default eighteen (18) months Imprisonment.

5th Count fined Ksh. 300,000/= in default eighteen (18) months Imprisonment.

It is the contention by Counsel for the applicant that the Sentence was harsh and excessive.

Section 53(2) of the Act provides for a fine not exceeding Ksh. 500,000/= or to Imprisonment for a term not exceeding three (3) years or both. The applicant was fined Ksh. 100,000/= in default one (1) year imprisonment which was fair in the circumstances of the case.

Section 54(2) of the Act provides for a fine not exceeding five(5) million shillings or Imprisonment not exceeding five (5) years. The applicant was fined Ksh. 300,000/= in default eighteen (18) months Imprisonment. This was a fair Sentence. The same applies to Counts 3, 4 and 5 where the applicant was fined Ksh. 300,000/= in default eighteen (18) months Imprisonment whereas the Act provides for a fine not exceeding Ksh. 5 million in default five (5) years.

The Sentences were not harsh or excessive. I find no reason to interfere.

The application has no merit and its disallowed.

Ruling delivered dated and signed this **12th** day of **June, 2014**.

.....

M. MUYA

JUDGE

12TH JUNE, 2014

In the presence of:-

Court clerk Mr. Musundi

Counsel for the applicant absent