

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA

REVISION NO.65 OF 2013

KHADIJA AHMEDAPPLICANT

VERSUS

REPUBLICRESPONDENT

RULING

The Accused **KHADIJA AHMED** was charged with being unlawfully present in Kenya contrary to section 53(i) (j) of the Kenya Citizenship and Immigration Act.

She pleaded guilty to the charge and was Convicted after the facts were read to her with the aid of a Somali Interpreter. During her address to the Court in mitigation she did state that she was married to one Abdi Karim Abdi who was a Kenyan and they had children .

The trial magistrate did make orders that the investigating officer do make investigations on those allegations. A report was made by the District children officer that the Accused had no children living in Kenya but in Somalia. The Accused later admitted to have lied to Court and she was then Sentenced to twelve (12) months imprisonment without the option of a fine.

This offence attracts a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding three years or both. Do find that the Sentence of twelve (12) months imprisonment without an option of fine to have been harsh.

Pursuant to section 362 of the Criminal Procedure Code I accordingly revise the Sentence to that of a fine of Ksh. 80,000/= in default twelve (12) months imprisonment.

Ruling dated and delivered this **3rd** day of **July, 2013**.

In the presence of:-

Amina for the applicant.

Mr. Jami for the State

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M. MUYA

JUDGE

3RD JULY, 2013