

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MALINDI

CRIMINAL REVISION NO. 4 OF 2011

REPUBLIC.....APPLICANT/APPLICANT

VERSUS

LUCKY MBUNI MAZERA.....ACCUSED/RESPONDENT

RULING ON REVISION

The accused, **LUCKY MBUNI MAZERA** was convicted on a charge of creating a disturbance likely to cause a breach of peace under section 95 (1) (b) Penal Code. That offence attracts a maximum sentence of 6 months. Accused was sentenced to serve 8 months imprisonment – the sentence is illegal and is set aside. It is substituted with the legal sentence provided under that section which is six months imprisonment.

Delivered and dated this **3rd** day of **March 2011** at Malindi.

H. A. OMONDI
JUDGE