



Republic v Kariuki (Traffic Case E848 of 2025) [2025] KEMC 103 (KLR) (20 May 2025) (Ruling)

Neutral citation: [2025] KEMC 103 (KLR)

**REPUBLIC OF KENYA
IN THE NAKURU LAW COURTS
TRAFFIC CASE E848 OF 2025
PA NDEGE, SPM
MAY 20, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

DENIS KARIUKI ACCUSED

RULING

1. The accused person herein, Dennis Kariuki, has been convicted upon own plea of the following offences:
 - a. Count 1: Carrying Excess Passengers Contrary to Section 100(1)(2) of the Traffic Act, Cap 403 Laws of Kenya.
 - b. Count 2: Carrying Uninsured Passengers Contrary to Section 5(b) as read with Section 17 of the Insurance (Motor Vehicles Third Party Risks) Act, Cap 405 Laws of Kenya.
 - c. Count 3: Driving a Public Service Vehicle (PSV) Without Uniform Contrary to Section 103A (1) as read with Section 103A (7) of the Traffic Act, Cap 403 Laws of Kenya.
2. The accused is a first-time offender, and no previous records were furnished by the prosecution. He has pleaded for leniency. The court notes the accused’s remorse and clean record. I have also considered the aggravating factors, including the risks posed to passengers and public safety, and the statutory provisions. The accused’s actions demonstrate disregard for traffic regulations, particularly as a PSV operator. I have further taken note of the dangers and risks that he has posed to himself and to other members of the public and I do hereby sentence the accused to a fine of Kshs 23, 500 or in default serve 5 months imprisonment in count 1.
3. I however discharge him under section 35(1) of the Penal Code in counts 2 and 3. For count 2, I find that the offence therein appears to be a duplication of the offence of carrying excess passenger and



therefore the sentence in the first count appears sufficient. For the offence in count 3, I find the period served in remand to amount to sufficient punishment.

The accused has 14 days Right to Appeal.

DATED, SIGNED, AND DELIVERED THIS 20TH DAY OF MAY, 2025

HON ALOYCE PETER NDEGE

SENIOR PRINCIPAL MAGISTRATE

In the presence of;

Court interpreter: Jared

Prosecution counsel: Macharia

Accused: Present

