



**Muhinda v Republic (Criminal Appeal E130 of 2025)
[2025] KEHC 14856 (KLR) (21 October 2025) (Judgment)**

Neutral citation: [2025] KEHC 14856 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL APPEAL E130 OF 2025
DR KAVEDZA, J
OCTOBER 21, 2025**

BETWEEN

ISAAC MUHINDA APPELLANT

AND

REPUBLIC RESPONDENT

(Being an appeal against the sentence imposed by Hon. C. Njagi (PM) on 2nd September 2025 at Kibera Chief Magistrate's Court Traffic Case No. E514 of 2025 Republic vs Isaac Muhinda)

JUDGMENT

1. The appellant was charged and on his own plea of guilty convicted for the offence of driving a defective motor vehicle contrary to section 55(1) as read with section 58(1) of the Traffic Act Cap 403 Laws of Kenya. He was sentenced to pay a fine of Kshs. 100,000 in default to serve eight (8) months imprisonment.
2. Aggrieved, he filed an appeal challenging the sentence imposed. He argued that the sentence imposed was disproportionate to the offence he was convicted. He urged the court to review the fine downward.
3. Section 55(1) of the Traffic Act creates the offence the appellant was convicted of and provide thus:
55.
 - (1) No vehicle shall be used on a road unless such vehicle and all parts and equipment thereof, including lights and tyres, comply with the requirements of this Act, and such parts and equipment shall at all times be maintained in such a condition that the driving of the vehicle is not likely to be a danger to other users of the road or to persons travelling on the vehicle.
4. Section 58(1) provides the penalty for the offence as follows:



58.

- (1) Any person who drives or uses on a road a vehicle in contravention of the provisions of section 55 or section 56 shall be guilty of an offence and liable to a fine not exceeding four hundred thousand shillings or to imprisonment for a term not exceeding two years or to both:

5. I have considered the facts of the case, the record of the trial court, and the sentencing proceedings. Upon perusal of the record, it is evident that the learned trial magistrate did not take into account the fact that the applicant pleaded guilty, thereby saving the court's time. The learned magistrate also failed to acknowledge that the appellant was a first offender. Instead, the court placed undue emphasis on the seriousness of the offence and the need for a deterrent sentence. In doing so, the learned trial magistrate overlooked material considerations which warranted a less severe sentence than that imposed.
6. In the circumstances, I find that the sentence of a fine of Kshs. 100,000, in default eight (8) months' imprisonment, was excessive given that the appellant pleaded guilty and was a first offender.
7. In the premises, I allow the appeal on sentence and substitute the sentence imposed by the trial court with a fine of Kshs. 20,000 in default to serve four (4) months imprisonment.

Orders accordingly.

RULING DATED AND DELIVERED VIRTUALLY THIS 21ST DAY OF OCTOBER 2025

D. KAVEDZA

JUDGE

In the presence of:

Appellant Present

Mutuma for the Respondent

Karimi Court Assistant.

