

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KIBERA
CRIMINAL REVISION NO. E112 OF 2025

MACMILAN ODHIAMBO.....APPLICANT

VERSUS

REPUBLIC.....

RESPONDENT

RULING

1. The applicant was charged and pleaded guilty 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. He filed the present application seeking sentence review.
3. The averments made in support of the application are that he is a first offender, he is remorseful for the offence committed and the sentence imposed was harsh and excessive.
4. I have perused the record of the trial court and nowhere did the learned magistrate give recognition of the fact that the applicant had pleaded guilty to the charge therefore saving court's time. The court gave more weight to the seriousness of the charge and the need to pass a deterrent sentence. In so doing I find that the learned trial magistrate overlooked material factors which dictated a less severe sentence than the one imposed.
5. In those circumstances I find that the sentence imposed was excessive having considered the applicant pleaded guilty, was a first offender.
6. I allow the application for sentence review. The sentence of a fine of Kshs. 100,000 in default to serve eight (8) months imprisonment is substituted with a fine of Kshs. 20,000 in default to serve four (4) months imprisonment.

