

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KIAMBU

CRIMINAL DIVISION

CRIMINAL REVISION NO.E008 OF 2026

*(Criminal Case No. 239 OF 2025 of the Chief Magistrate's
Court at Kiambu)*

**KENNEDY JUMA
NATO.....APPLICANT**

VERSUS

**PETER WACHIRA
KAMUNYA.....RESPONDENT**

RULING ON REVISION

1. **KENNEDY JUMA NATO** was charged with the offence of Handling of Illicit Brew contrary to Section 15(1) as read with Section 15(2) of the Alcoholic Liquor Control Act.
2. A brief outline of the case was Plea taking was deferred to 10/02/2026. When the case was called out in open court a male adult responded and walked to the dock. The Charges were read out and he responded and pleaded **GUILTY** and the trial court proceeded to convict and sentence him.
3. Upon being escorted to the cells it was discovered that he was

not the accused but a brother to the accused person. The trial court upon being informed by the prison authorities that the person convicted and sentenced was not the accused but a brother to the accused, forwarded the case to the High Court for revision under cover of a letter dated 10th February, 2026 written by the Senior Resident Magistrate, Kiambu.

4. This Court has perused the letter and its' contents and it is evident that the trial court acted upon some wrong principle of law and misapprehension and ended up convicting and sentencing the wrong person. It can therefore be validly concluded that the conviction was erroneous and that the sentence imposed of a fine of Kshs.20,000/- and in default six (6) months imprisonment was illegal and not merited and therefore the conviction and sentence warrants interference by this court.

5. In the light of the above circumstances this court is satisfied that this is a suitable case for it to exercise its supervisory powers of revision conferred under the provisions of Section 364 of the Criminal Procedure Code.

6. The conviction is hereby quashed and the sentence imposed on the 10/02/2026 is hereby set aside; the said **SIMON WAFULA** be and is hereby set at liberty forthwith unless otherwise lawfully held.
7. The file to be remitted back to the trial court for hearing and determination.

Orders accordingly

DATED, SIGNED AND DELIVERED AT KIAMBU THIS 10TH DAY OF FEBRUARY, 2026.

**HON. A. MSHILA
JUDGE**

In the presence of :-

Sanja - Court Assistant