



Republic v Arasa (Traffic Case E155 of 2026) [2026] KEMC 9 (KLR) (26 January 2026) (Sentence)

Neutral citation: [2026] KEMC 9 (KLR)

**REPUBLIC OF KENYA
IN THE NAKURU LAW COURTS
TRAFFIC CASE E155 OF 2026
PA NDEGE, SPM
JANUARY 26, 2026**

BETWEEN

REPUBLIC PROSECUTION

AND

BENARD ARASA ACCUSED

SENTENCE

1. The accused person herein, Benard Arasa, has been convicted upon own plea of guilty of the offences of Carrying Excess Passengers contrary to Section 100 of the *Traffic Act* cap 403 Laws of Kenya in the first count herein. He has admitted thereon that on 23/01/2026 at about 8.58 am along Geoffrey Kamau Road in Nakuru County, being a driver of a motor vehicle Reg. No. KCB 480G make Toyota Matatu, he drove the said vehicle along the said road while carrying 19 instead of 14 (5 excess) passengers.
2. He is a first-time offender as no record of previous conviction was furnished. The accused prayed for forgiveness. I have looked at the relevant provisions herein. Considering the above factors and the principles of sentencing of proportionality as enshrined in the *Sentencing Policy Guidelines of 2023*, I do hereby sentence the accused person to a fine of Kshs. 23,500/- in default to serve 5 months imprisonment.

14 days Right of Appeal explained.

DATED, SIGNED AND DELIVERED AT NAKURU IN OPEN COURT THIS 26TH DAY OF JANUARY,2026

**ALOYCE-PETER-NDEGE
SENIOR PRINCIPAL MAGISTRATE**

In the presence of;

Court interpreter- Wanyoike

Prosecution counsel- Macharia



Accused- Present

CT: Hearing for Count 2 on 29/07/2026. Upon serving the sentence or paying the fine, accused person may be released on a bond of Kshs. 150,000 and 1SSA or, Cash Bail of Kshs. 50,000/- for the offence in count no. 2. Otherwise Mn. For Count 2 within 14 days. Meanwhile the accused has the right to an advocate of own choice, witness statements and documents at own costs.

