



REPUBLIC OF KENYA



KENYA LAW
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**Moseti v Republic (Revision Case E039 of 2025)
[2025] KEHC 5099 (KLR) (25 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 5099 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
REVISION CASE E039 OF 2025
WA OKWANY, J
APRIL 25, 2025**

BETWEEN

DADIUS MARAGI MOSETI APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original Conviction and Sentence in the Chief Magistrates’
Court at Nyamira, Criminal Case No. E402 of 2023 by Hon.
B.A. Jumar, Resident Magistrate on 27th November 2024)*

RULING

1. The Applicant was convicted on his own plea of guilty for the offences of ferrying alcoholic drinks in a manner that does not conform to the requirements of the Alcoholic Drinks Act contrary to Section 34 of the Alcoholic Drinks Control Act No. 4 of 2010 in the first count; Assault of a police officer contrary to Section 103 (a) of the National Police Service Act No. 11A of 2011 in the second count; Resisting lawful arrest contrary to Section 103 (a) of the National Police Service Act No. 11A of 2011 in the third count; and Giving false information to a person employed in the Public Service contrary to Section 129 of the Penal Code in the fourth count. The trial court sentenced him to pay a fine of Ten Thousand Shillings (Kshs. 10,000/=) or to serve thirty (30) days’ imprisonment in default in the first count; a fine of One Hundred Thousand Shillings (Kshs. 100,000/=) or in default to serve one (1) year imprisonment for the second count; a fine of One Hundred Thousand Shillings (Kshs. 100,000/=) or in default to serve one (1) year imprisonment for the third count; and one (1) year imprisonment for the fourth count. All sentences were to run concurrently. The Applicant has served five (5) months of his sentence and is remaining with three (3) months, after remission, to complete the sentence. The Sentence Review Report filed on 9th April 2025, by the Probation Officer, Mr. Nelson Maroa does not recommend a non-custodial sentence. I therefore direct that the Applicant shall continue to serve the remainder of his sentence in custody.



Orders accordingly.

DATED AND DELIVERED AT NYAMIRA ON THIS 25TH DAY OF APRIL 2025.

W. A. OKWANY

JUDGE

