



**Lusambo v Republic (Criminal Revision E355 of 2024)  
[2025] KEHC 9149 (KLR) (27 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 9149 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
CRIMINAL REVISION E355 OF 2024  
RN NYAKUNDI, J  
JUNE 27, 2025**

**BETWEEN**

**LEVI WANYONYI LUSAMBO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. Before this court is the applicant's application in which he seeks orders as follows:
  - i. That may the Hon. Court do certify this application as urgent and dispense with it on a priority basis
  - ii. That the hon. Court be pleased to revise the fine of ksh. 20,000 to a more reasonable amount, specifically ksh.5,000, which the applicant asserts is a sum that can be duly met under the circumstances detailed in the accompanying affidavit
  - iii. That the honorable court grant any further orders it deems fit and just, and forthwith set the applicant at liberty
2. In support of the application, the applicant swore an affidavit in which he made the following averments:
  - a. That I am a Kenyan citizen an adult male of sound of mind and competent to swear this affidavit.
  - b. That, I was convicted and sentenced to pay a fine of Kshs. 20,000 on 02/10/2024 for the offence of carrying excess passengers contrary to section 100(2) of the *Traffic Act*, cap 403, laws of Kenya in traffic case no. TR E673/2024 at the Chief Magistrate's court in Eldoret.
  - c. That, I was convicted and sentenced to my own plea guilty.



- d. That the court imposed the maximum fine of ksh.20,000, which I believe to be excessive and unduly harsh considering the circumstances of the case.
- e. That the court failed to ascertain whether I was a first-time offender and did not take into account my mitigating factors before imposing the sentence.
- f. That this honorable court is vested with the power to hear and determine applications of this nature pursuant to article 163 of the [constitution of Kenya](#) , in conjunction with sections 362 and 364 of the [criminal procedure code](#).
- g. That I humbly request this honorable court to exercise its discretion to revise the fine to ksh.5,000 or to substitute the fine with a probation sentence in the interest of justice.
- h. That I beseech this honorable court to be lenient, as my continued incarceration would cause irreparable harm to my family, who are in dire need of my support and presence.
- i. That the facts deponed herein are true and correct to the best of my knowledge, belief and understanding

### **Determination**

- 3. On perusal of the record, I have noted that the applicant, Levi Wanyonyi, has since paid the requisite fine and has been released from custody. All court-ordered obligations have been fully satisfied in accordance with the sentence delivered under section 100 of the [Traffic Act](#). In light of this compliance, the court is satisfied that justice has been served, and therefore directs that this matter be marked as closed.
- 4. Orders accordingly.

**SIGNED, DATE AND DELIVERED AT ELDORET THIS 27<sup>TH</sup> DAY OF JUNE 2025.**

**R. NYAKUNDI**

**JUDGE**

Representation

M/s Sidi for the State

