



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
Where Legal Information is Public Knowledge

**Njeri v Republic (Criminal Revision E111 of 2024)  
[2024] KEHC 4141 (KLR) (29 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 4141 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
CRIMINAL REVISION E111 OF 2024  
RN NYAKUNDI, J  
APRIL 29, 2024**

**BETWEEN**

**ANNE NJERI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Being an Application for Revision of Sentence in Criminal Case  
No E889 of 2024 before Hon B. Kiptoo (PM) dated 3rd April 2024)*

**RULING**

1. The applicant was charged, tried, convicted and sentenced to twelve months imprisonment for the offence of selling of alcoholic drinks without a license contrary to section 8(1)(b) as read with section 64 of *Uasin Gishu County Drinks Control Act* of 2014.
2. The applicant has approached this court pursuant to Article 50(2)(p)(q) of the *Constitution* & Section 362,363 & 364 of the *Criminal Procedure Code* for a review of the sentence issued in Criminal Case No. 889 of 2024, for a lesser term or for admission to probation or a non-custodial sentence vide a Notice of Motion dated 23<sup>rd</sup> April 2023. The applicant in support of her application avers that she has a young family that solely depends on her hence her incarceration poses a big challenge to their education and well-being, that she is remorseful and has learnt her lesson while in custody and that she is of advanced age.
3. It is my considered view that the purpose of the revisionary powers of the High Court is to correct manifest irregularities or illegalities and give appropriate directions. The Court is also empowered to alter or reverse an order. In exercising discretion to this extent, the Court hereby takes cognizance of the fact that the convict/applicant admitted the offence which in my apprehension is a mitigating factor that the learned trial Magistrate did not take into account in computing the final verdict.



4. As a consequence, and in consideration of the fact that the applicant has a young family that depends on her, the applicant shall serve the remainder of the 11 month sentence under a non-custodial sentence where she shall be committed to a Community Service Order under the supervision of a Probation Officer assigned by the Officer In-Charge. This being a supervisory jurisdiction imposed upon the respective Probation officer, periodical reports on the performance of the applicant shall be submitted to the Court after six months and thereafter at the end of the probation period for compliance with the Community Service order.

**GIVEN UNDER MY HAND AND SEAL THIS 29TH DAY OF APRIL 2024.**

.....

**R. NYAKUNDI**

**JUDGE**

