**Njau v Republic**

**Division:** High Court of Kenya at Nairobi

**Date of judgment:** 25 March 1974

**Case Number:** 162/1973 (66/74)

**Before:** Trevelyan and Muli JJ

**Sourced by:** LawAfrica

*[1] Criminal Practice & Procedure – Sentence – Dangerous driving – Causing death – Custodial*

*sentence substituted for fine.*

**Editor’s Summary**

The appellant was convicted of causing death by dangerous driving and was sentenced to pay a fine. The

facts upheld by the High Court showed deliberate risk-taking by the appellant while driving a lorry load

of boys.

On appeal.

**Held –** in such circumstances a custodial sentence must be imposed (*Wanjema v. Republic* (1) and *Khalif*

*v. Republic* (2) considered).

Sentence of 3 years’ imprisonment substituted.

**Cases referred to Judgment:**

(1) *Wanjema v. Republic*, [1971] E.A. 493.