



REPUBLIC OF KENYA



**Njogu & another v Republic (Revision Case E469 of 2024)
[2024] KEHC 11572 (KLR) (30 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 11572 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E469 OF 2024
HM NYAGA, J
SEPTEMBER 30, 2024**

BETWEEN

STEPHEN NDICHU NJOGU 1ST APPLICANT

PETER KIMANI 2ND APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The accused persons (Applicants) were charged with the following offences;

Count I

Engaging in unlicensed fish transportation Contrary to Section 124 (1) (A) (3) as read with Section 186(1) (A) and 187(1) (2) (a) of the *Fisheries Management and Development Act* 2016.

On the 15th day of May 2024 at around 0900 hours at Mwariki area in Nakuru East Sub County within Nakuru County jointly with others not before court, you were found engaging in unlicensed fish transportation to wit 435.2 kgs using a PSV matatu registration number KCY 667W white in colour without a licence from Director General Fisheries Department.

Count II

Dealing in wildlife trophy (fish) Contrary to Section 95 9b) as read with Section 105(1) b of the *Wildlife Conservation and Management Act* 2013.

On the 15th day of May 2024 at around 0900 hours at Mwariki area in Nakuru East Sub County within Nakuru County, jointly with others not before court, you were found dealing in wildlife trophy namely (fish) packed in eight carton boxes weighing 435.2 kgs with street value of Kshs. 130,560 using a PSV matatu of registration number KCY 667 W without a permit from Director General Kenya Wildlife Service.



Count III

Failing to keep data as lawfully required Contrary to Section 75(1) 92) (C) (D) (4) (A) of the Fisheries and Development Act 2016

On the 15th day of May 2024 at around 0900 hours at Mwariki area in Nakuru East Sub County within Nakuru County, with others not before court, you were found to have kept fish data as lawfully required namely 435.2 kgs of tilapia fish with street value of Kshs. 130,560/=

Count IV

Landing fish in undesignated point Contrary to Section (50) (3) (4) of the [Fisheries Management and Development Act](#) 2016.

On the 15th day of May 2024 at around 0900 hours at Mwariki area in Nakuru East Sub County within Nakuru County, jointly with others not before court, you were found to have landed fish in undesignated landing site namely Mwariki area within Nakuru West Sub County.

Count V

Failing to keep data as lawfully required Contrary to Section 75(1) (2) (C) (D) (4) (A) of the [Fisheries and Development Act](#) 2016.

On the 15th day of May 2024 at around 0900 hours at Mwariki area in Nakuru East Sub County within Nakuru County, with others not before court, you were found to have not kept fish data as lawfully required namely 435.2 kgs of tilapia with street value of Kshs. 130,560/=

2. They both pleaded guilty and were convicted and sentenced to a fine of Kshs. 100,000/= in default one (1) year imprisonment on each count.
3. This file has been brought to this court for revision under the prisons decongestion exercise.
4. The sentence review reports on each applicant is favourable to them serving the remainder of their sentence on probation.
5. I have noted that the applicants have been in custody for four (4) months now. I believe that the time spent in prison has been sufficient to teach them any lesson that the trial court intended them to learn.
6. In exercise of the powers of the court under Article 165 (6) and (7) of the [Constitution](#) and Section 362 of the [Criminal Procedure Code](#) (CPC). I review the sentence for each applicant and order that the remainder of their sentences shall be served on probation. Terms will be explained to them.

DATED, SIGNED AND DELIVERED AT NAKURU THIS 30TH DAY OF SEPTEMBER, 2024.

H. M. NYAGA

JUDGE

In the presence of;

C/A Jeniffer

N/A for state

