



**Ouma v Republic (Revision Case E476 of 2024)
[2024] KEHC 11613 (KLR) (30 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 11613 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E476 OF 2024
HM NYAGA, J
SEPTEMBER 30, 2024**

BETWEEN

VIOLET GOIZA OUMA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The accused person (Applicant) was charged with the following offences;

Count I

Entering into a protected area without a permit or any other lawful exemption Contrary to Section 102 (1) (a) as read with Section 102(1) (h) of the [Wildlife Conservation and Management Act](#), 2013.

On the 9th day of January, 2024 at around 1329 hours, at 41 area in Lake Nakuru National Park, Nakuru West Sub County within Nakuru County at GPS co-ordinates 37M 0175662 UTM 9965388, you were found to have entered into a protected area on foot without a permit from the Director General Kenya Wildlife Service.

Count II

Undertaking extractive activity in Wildlife Protected Area without a permit or any other lawful exemption Contrary to Section 102(1) (g) as read with Section 102 (1) (h) of the [Wildlife Conservation and Management Act](#) 2013.

On the 9th day of January, 2024 at around 1329 hours, at 41 area in Lake Nakuru National Park, Nakuru West Sub County within Nakuru County at GPS co-ordinates 37M 0175662 UTM 9965388, you were found undertaking extractive activity namely fishing and you were



in possession of one fishing net, four (4 kgs) kilograms of fish and one sack without a permit from the Director General, Kenya Wildlife Service.

2. She pleaded guilty and was convicted and sentenced to a fine of Kshs. 200,000/= in default one (2) years imprisonment on each count.
3. This file has been brought to this court for revision under the prisons decongestion exercise.
4. The sentence review report on the applicant is favourable to her serving the remainder of her sentence on probation.
5. I have noted that the applicant has been in custody for eight (8) months now. I believe that the time spent in prison has been sufficient to teach her any lesson that the trial court intended her 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 the applicant and order that the remainder of her sentence shall be served on probation. Terms will be explained to her.

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

