



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
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**Kamau v Republic (Criminal Revision E631 of 2022)
[2023] KEHC 3751 (KLR) (27 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3751 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL REVISION E631 OF 2022**

HM NYAGA, J

APRIL 27, 2023

BETWEEN

PETER KAMAU APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant Peter Kamau was convicted on his own plea of guilty for the offences of Being in Possession of prohibited goods contrary to section 200(d) of the *East African Community Custom Management Act*, being in possession of excisable goods affixed with counterfeit excise stamp contrary to section 28, 39 and 40 of the *Excise duty*, being in possession of Alcoholic Drinks without licence contrary to section 34(a) of the *Alcoholic Drinks Act* and Offering for sale alcoholic drinks packed in plastic container of less than 250 Ml contrary to section 31(2) (a) as read with section 31(3) of the Alcoholic Drinks Control Board. He was convicted and sentenced to serve a cumulative sentence of 1 year 7 months on June 14, 2022.
2. In the Sentence Review Report filed on February 1, 2023 the Probation Officer, Miriam Ngochoi recommends community service.
3. According to the said Report the convict has known the negative impacts of engaging with negative peers and has cultivated good morals. He is remorseful and his parents are willing to help in his reintegration.
4. In light of the above and with the view to decongest the prison I hereby exercise judicial discretion and order that the convict herein be placed on Community service at Mau Summit Location for the remainder of his sentence. During this period the Applicant should obey the Community Service officer supervising him and adhere to all the conditions set as part of that supervision.



5. As required the applicant is informed that failure to abide by any of the above terms will result in the revocation of these orders followed by committal to imprisonment for the remainder of the term he has not served.

6. File closed.

DATED, SIGNED & DELIVERED AT NAKURU THIS 27TH DAY OF APRIL, 2023.

H.M. NYAGA

JUDGE

In the presence of:

C/A Jeniffer

Ms Murunga for state

Applicant present

