



REPUBLIC OF KENYA



**Karanja v Republic (Criminal Revision E549 of 2022)  
[2023] KEHC 3747 (KLR) (27 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3747 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
CRIMINAL REVISION E549 OF 2022**

**HM NYAGA, J**

**APRIL 27, 2023**

**BETWEEN**

**JOSEPH KARANJA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant was charged with the two counts: -

Count 1- Being in possession of Alcoholic Drinks that does not conform to the prescribed standards of Alcoholic Drinks Act contrary to Section 27(1) as read with Section 27 (4) of the *Alcoholic Drinks Control Act* No 4 of 2010 Laws of Kenya.

The particulars were that on September 14, 2022 at around 0845 hrs at Kiwanja Ndege Area in Njoro Sub County within Nakuru County, was found in possession of Alcoholic namely Changaa to wit 20 litres that does not bear a statement as to its constituents and health warning message which contravenes the said Act.

Count 2- Selling Alcoholic Drinks without Liquor Licence contrary to Section 37(1) as read with section 62 of the *Alcoholic Drinks Control Act* No 4 of 2010 Laws of Kenya.

The particulars were that on September 14, 2022 at around 0845 hrs at Kiwanja Ndege Area in Njoro Sub- County within Nakuru County, was found selling alcoholic drink namely changaa to with 20 litres without alcoholic drinks liquor licence which contravenes the said Act.

2. On September 15, 2022 he pleaded guilty to each offence and the court proceeded to convict him on his own plea of guilty and sentenced to pay Ksh 50,000/= on each count in default to serve 7 and 2 months' imprisonment respectively.



3. The sentence Review Report by Samuel Ndun'gu filed in this Court on January 17, 2023 recommends that the Applicant is not suitable for a non-custodial sentence on grounds that he is a habitual offender having been convicted previously for the same offence and doesn't seem to learn. However, according to the verbal report received from the Prison officer on April 27, 2023 the accused has since been released from prison. Accordingly, the request for sentence revision is overtaken by events.
4. File closed.

**DATED, SIGNED & DELIVERED AT NAKURU THIS 27<sup>TH</sup> APRIL, 2023.**

**H.M. NYAGA**

**JUDGE**

**In the presence of:**

**C/A Jeniffer**

Ms Murunga for state

Applicant –N/A

