



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
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**Kinuthia v Republic (Criminal Revision E458 of 2022)
[2023] KEHC 3742 (KLR) (27 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3742 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL REVISION E458 OF 2022**

HM NYAGA, J

APRIL 27, 2023

BETWEEN

DANIEL KINUTHIA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant, Daniel Kinuthia was convicted on his own plea of guilty for the offence of Dealing in meat wildlife species without permit or other lawful exemption and hunting of Wildlife species without permit or other lawful exemption contrary to Sections 98(1) and 97 of the *Wildlife Conservation and Management Act* 2013(Amended) respectively.
2. He was sentenced to serve 5 years' imprisonment.
3. In the Sentence Review Report filed on 5th July, 2021, the Probation Officer, Salim A.G, recommends 1-year probation.
4. According to the said Sentence report, the convict schooled up to class 3 and dropped out due to parental neglect. He is a widower with four children. His family is ready to welcome him home to support his young ones. He has been participating in prison farms operations. He is remorseful and pleads for leniency.
5. With a view to decongest prison, I am of the view that this Court should invoke its unfettered discretion. If the sentence imposed was meant to teach him a lesson, I think that the time spent in custody so far is sufficient for that purpose.
6. I therefore order that the Convict/Applicant be released from prison forthwith and be placed on Community Service at Kiambogo Chief's Office for the remaining period of his sentence. He shall be closely supervised by the Chief, Kiambogo location who shall ensure the convict religiously performs



any assigned duties to his satisfaction and weekly reports made to the Probation Officer, Nakuru who shall monitor the behaviour of the convict for the remainder of the sentence.

7. The applicant is, as required, made aware that in the event of a breach, the Community Service order shall be revoked and he shall be committed back to prison to serve the remaining term imposed and not served.
8. File closed.

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

H.M. NYAGA

JUDGE

In the presence of:

C/A Jeniffer

Ms Murunga for state

Applicant present

