



REPUBLIC OF KENYA



**KENYA LAW**  
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**Moyaba v Republic (Criminal Revision E080 of 2023)  
[2023] KEHC 19615 (KLR) (29 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19615 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAMIRA  
CRIMINAL REVISION E080 OF 2023  
WA OKWANY, J  
JUNE 29, 2023**

**BETWEEN**

**HARON MOYABA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original Conviction and Sentence in the Chief Magistrates'  
Court at Nyamira, Criminal Case No. E241 of 2023 by Hon.  
M.C. Nyigei, Principal Magistrate on 27<sup>th</sup> February 2023)*

**RULING**

1. The Applicant was convicted on his own plea of guilty for the offence of dealing with alcoholic drinks without a license contrary to section 7 (1) (b) as read with section 34 (a) of the [Alcoholic Drinks Control Act](#) No 4 of 2010. The trial court sentenced him to pay a fine of Kshs 10,000/= or in default, to serve 6 months imprisonment. The letter by Kennedy Okemwa the County Probation Director dated June 15, 2023 indicates that the Applicant was released from Kisii GK Prison on May 28, 2023 on Presidential pardon. In the unlikely event that he is still in custody, it is hereby directed that he be released forthwith unless he be held for any other lawful cause. The revision file is hereby closed.
- 2 Orders accordingly.

**DATED AND DELIVERED AT NYAMIRA ON THIS 29<sup>TH</sup> DAY OF JUNE 2023.**

**W.A. OKWANY**

**JUDGE**

