



**Bett v Republic (Revision Case E040 of 2023)
[2023] KEHC 22070 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22070 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E040 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

SHADRACK BETT APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This matter has been brought to me under the Prisons Decongestion Exercise being undertaken by this court.
2. The applicant Shadrack Bett was convicted for the offence of Cutting and Felling in a State Forest and entering a State Forest ergo without authority contrary to section 64 (1) (a) as read with section 64 (2) of the *Forest Conservation and Management Act* Number 34 of 2016 and sentenced to pay Kshs. 10,000 and in default serve 6 months' imprisonment on April 24, 2023.
3. He has so far served about 3 months in prison.
4. In the Sentence Review Report filed on August 2, 2023 the Community Service Officer, Douglas Mwiraria recommends community service.
5. According to the said Report the convict is a husband and father to two children and prior to his arrest he was staying with his wife and children. His wife is willing to support him by providing him with his basic needs until he becomes independent again upon release. He also remains cordial with his family who equally believe he has learned his lesson and can be released. The prison officers state that the convict has been conducting himself well while in prison and has demonstrated a positive change. Hence, they also vouch for his release. The applicant is remorseful.
6. In light of the above and with the view to decongest the prison, I hereby exercise judicial discretion and order the convict/applicant be released from prison forthwith and be placed on Community Service



at Baringo Primary School for the remainder of his sentence under the supervision of the school's duty officer.

7. File closed.

DATED, SIGNED & DELIVERED AT NAKURU THIS 22ND AUGUST, 2023.

H.M. NYAGA

JUDGE

In the presence of:

C/A Jeniffer

Ms Murunga for state

Applicant

