



REPUBLIC OF KENYA



**Chebet v Republic (Revision Case E031 of 2023)
[2023] KEHC 22121 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22121 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E031 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

MERCY CHEBET APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This matter has been brought to me under the Prison Decongestion Exercise been undertaken by this court.
2. The applicant, Mercy Chebet was convicted for the offence of cutting and removing forest produce from a provisional forest without authority contrary to section 64 (1)(a) as read with section 64(2) and section 68(1)(a)(c) of the *Forest Conservation Management Act* and sentenced to serve 6 months' imprisonment and a fine of Kshs. 50,000/= on June 2, 2023.
3. She has so far served about 3 months in prison.
4. According to the sentence review report filed on 2nd August 2023, the Probation Officer, Miriam Ngochoi recommends Community Service at Tachasis Primary School for the remainder of her sentence.
5. The report further states that the inmate's husband is willing to help her in resettlement by provision of basic needs. The inmate schooled up to class 7 and had been performing casual work for a living.
6. According to prison officials, the inmate has been imparted with business skills that will enable her engage in lawful means of earning a living. Her immediate community expressed no reservation of her impending release.
7. She owned up to the offence and subsequent sentence and pleads for consideration on non-custodial orders to enable her fend for her young family.



8. 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 Tachasis Primary School for the remainder of her sentence. She shall be closely supervised by the chief Nyota Location who shall ensure the convict religiously performs any assigned community service to his satisfaction and weekly reports made to the Probation Officer, Molo who shall monitor the behaviour of the convict for the remainder of the sentence.
9. The applicant is, as required, made aware that in the event of a breach, the CSO order shall be revoked and she shall be returned to prison to serve the entire prison term imposed and not served.
10. File closed.

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

H.M. NYAGA

JUDGE

