



REPUBLIC OF KENYA



**Chepleting v Republic (Revision Case E017 of 2023)  
[2023] KEHC 22042 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22042 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
REVISION CASE E017 OF 2023  
HM NYAGA, J  
AUGUST 22, 2023**

**BETWEEN**

**ABI CHEPLETING ..... 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 Abi Chepleting was convicted for the offence of Operating a bar without an Alcoholic Licence contrary to section 7 (1)(b) as read with section 62 of the *Alcoholic Drinks Act* No 4 of 2010 and Selling Alcoholic Drinks contrary to the same. She was sentenced to serve 2 years imprisonment on July 24, 2023.
3. She has so far served about 3 weeks in prison.
4. In the Sentence Review Report filed on August 14, 2023 the Probation Officer, David Too recommends a Probation Sentence for a period of 3 years.
5. According to the said Report the convict is a form four dropout with no previous criminal record. She is a mother to two sons and prior to her arrest she was staying at her aunt's house at Kipsingei Village before she visited her friend in Nakuru who was the owner of the bar at which she was arrested and charged with the aforementioned offences. The prison officers state that the convict has been unable to carry out her duties in the shoe industry due to her ill health as she has been suffering from cancer and has not fully recovered from the operation she had a few years back. The Applicant is remorseful and claims she has learnt her lesson and is pleading for a chance to serve a non- custodial sentence to grant her the chance to look after her young children who are currently under the custody of another minor.



6. In light of the above and with the view to decongest the prison I hereby exercise judicial discretion and suspend the remainder of the prison sentence for the convict Abi Chepleting and order for her release to serve a probation sentence for 3 years. She is to be released from prison forthwith unless otherwise lawfully held.

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

