



REPUBLIC OF KENYA



**Kipsang v Republic (Revision Case E074 of 2023)  
[2023] KEHC 22116 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22116 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
REVISION CASE E074 OF 2023  
HM NYAGA, J  
AUGUST 22, 2023**

**BETWEEN**

**NICHOLUS KIPSANG ..... 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, Nicholus Kipsang, was convicted for the offence of felling and cutting forest produce without authority contrary to section 64 (1) (a) as read with section 64(2) and 68 (1) of the *Forest Conservation and Management Act* burning of forest produce in a public forest without authority contrary to the same sections of the aforementioned act. He was sentenced to pay a fine of Kshs 40,000 and in default serve 1-year imprisonment on April 14, 2023. He has so far served about 9 months in prison.
3. In the sentence review report filed on August 2, 2023 the Community Service Officer, Dorothy Bett recommends community service at Chagaiya Dispensary.
4. According to the said report the convict is a class 8 dropout who has been engaging in casual labour. He committed the offence as a result of financial challenges. He intends to go back home where he will engage in casual labour to earn a living. He keeps contact with his family through phone calls and they are ready to welcome him upon his release. The convict has been attached to the farm section while in prison and has undergone guidance and counselling. He is remorseful and willing to serve a non-custodial sentence.



5. In light of the above and with the view to decongest the prison, I hereby exercise judicial discretion to review the prison sentence and order that the convict, Nicholus Kipsang serve community service at Chagaiya Dispensary for the remainder of the sentence.

**DATED, SIGNED & DELIVERED AT NAKURU THIS 22<sup>ND</sup> AUGUST, 2023.**

**H.M. NYAGA**

**JUDGE**

**In the presence of:**

C/A Jeniffer

Ms Murunga for state

Applicant

