



REPUBLIC OF KENYA



**Ng'eno v Republic (Revision Case E039 of 2023)  
[2023] KEHC 22069 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22069 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
REVISION CASE E039 OF 2023  
HM NYAGA, J  
AUGUST 22, 2023**

**BETWEEN**

**WESLEY NG'ENO ..... 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 Wesley Ng'eno 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 a fine of Kshs 10,000 and in default serve 6 months' imprisonment on April 29, 2023.
3. He has so far served about 4 months in prison.
4. In the Sentence Review Report filed on August 2, 2023 the Community Service Officer, Kevin Kariuki recommends community service.
5. According to the said Report the convict was doing casual herding jobs prior to his arrest. He is married and has 3 issues who are all school going. He lived with his family in a rented house in Mawingu Area. They want him back home as he is the breadwinner. The prison officers state that he has been of good conduct and ha been attached to the farm section while in custody. The Applicant is remorseful and is willing to serve a non- custodial sentence.
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 Mawingu Chief's Camp for the remainder of his 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

