



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NANYUKI

HCCR REVISION. NO. 14 OF 2016

JULIUS OIRE ORWARO..... APPELLANT

-VERSUS-

REPUBLIC RESPONDENT

RULING

1. **JULIUS OIRE ORWARO** was convicted on his own plea of guilty to the offence of **illegally cutting and removing forest produce Contrary to Section 52(1) of the Forest Act Cap 385**. He was sentenced before Nanyuki Chief Magistrate's court to 6 months imprisonment. He has served 4 months of that sentence.
2. This court in exercise of its revision power under Section 362 of the Criminal Procedure Code Cap 75 has requested the probation office to prepare, which it has, on the suitability of the release of the applicant.
3. The applicant stated, according to that report, that he went to collect firewood from the forest at the request of his employer. He did not know that it was against the law. He is remorseful. He desires to return to his home in Nyamira County.
4. Having considered the probation report and the submissions of the state I do find this to be a fit and proper case to exercise the power of revision.
5. The order of this court is that the applicant **JULIUS OIRE ORWARO** shall serve the remainder of this sentence doing Community Service at Ekerenyo Health Centre within Itibo Sub-Location Nyamira County. **To that end the applicant shall be released from custody unless he is otherwise lawfully held.**

Dated and Delivered at Nanyuki this 20th April, 2016

MARY KASANGO

JUDGE

Coram

Before Justice Mary Kasango

Court Assistant – Njue

For Applicant

For state

COURT

Ruling delivered in open court

MARY KASANGO

JUDGE