



**Makori v Republic (Criminal Application E001 of 2025)  
[2025] KEHC 204 (KLR) (20 January 2025) (Ruling)**

Neutral citation: [2025] KEHC 204 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KILGORIS  
CRIMINAL APPLICATION E001 OF 2025  
CM KARIUKI, J  
JANUARY 20, 2025**

**BETWEEN**

**DAMARIS MAKORI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Criminal Case File No. Kilgoris E003/2025 has been placed before me by the Hon. C.W. Waswa -SRM dated 14/01/2025. The same indicated that the children department registered a Child Care and Protection file which also along with the magistrate court attached were forwarded to this court. The request made is for the review of sentence in Cr. Case No. E941/2024 so that the mother of the children could be released to take care of her minor children.
2. The accused/subject of review Damaris Makori was charged with an offence of being in possession of Alcoholic (Drink) that does not conform to the law under section 27 (1) (b) as read with Section 24 (4) of same *Act No. 4 of 2010*.
3. Particulars were that, on 14/12/2024 at Kilgoris Kisii Road in Transmara West, Narok County was found in possession of Alcoholic Drinks namely changaa to wit 30 Litres.....That had no constituents and further had neither the health warning.
4. The accused pleaded guilty to the charge and upon mitigation in which she said she has kids and was sentenced to a fine of Kshs. 20,000/= in default 60 days imprisonment.
5. Earlier the prosecution had already stated she was a first offender. The landlord where accused resided with the children prior to incarnation informed Chief Magistrate's Kilgoris on 22/12/2024 that the age of the abandoned children are aged 15, 11 and 7 years and was adding voice to the children's Department request for Revision of the Sentence. This matter was forwarded to this court to exercise



revisionary powers under Article 165 of *the Constitution* of Kenya and Section 464 (1) *Criminal Procedure Code*.

6. There is a recommendation by the Children office for a non-custodial sentence. The children are in desperate situation and her release will enable her to go take care of her children. The accused has already served half of her sentence. The accused is a first offender. The interest of the 3 minor children also dictates this court to temper justice with mercy and empath. Thus; the court orders: -

1. The period served is enough and sufficient sentence.
2. Thus, the Accused Damaris Makori shall be released forthwith unless otherwise lawful held.

**DATED, SIGNED, AND DELIVERED AT NAROK HIGH COURT IN CHAMBERS THIS 20<sup>TH</sup> DAY OF JANUARY, 2025.**

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**HON. CHARLES M. KARIUKI**  
**JUDGE**

