



**Chepkemoi v Republic (Criminal Revision E006 of 2024)
[2024] KEHC 2451 (KLR) (11 March 2024) (Ruling)**

Neutral citation: [2024] KEHC 2451 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL REVISION E006 OF 2024
RE ABURILI, J
MARCH 11, 2024**

BETWEEN

LYDIA CHEPKEMOI APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in Chief Magistrate's Court
Criminal Case No. E051 of 2024 at Kisumu by Hon.D.Ogoti, CM on 19/2/2024)*

RULING

1. The matter is before this court for revision of sentence in the prison decongestion exercise. The convict Lydia Chepkemoi was sentenced to pay a fine of Kshs.6,000 in default to serve one (1) month imprisonment on her own plea of guilty for the offence of selling alcoholic drinks without a licence contrary to Section 7(1) (b) as read with Section 62 of the [Alcohol Drinks Control Act](#) No. 4 of 2010.
2. The volume of the alcohol found on the convict was three (3) litres.
3. Albeit the sentence was lawful and lenient, the convict has now served three weeks imprisonment and she is due for release on 19th March 2024. She is a first offender. Her mitigations on record were clear that she had three children one of whom was aged 8 months.
4. In the spirit of prison decongestion, and the convict being a first offender, I hereby revise the sentence imposed and order that unless otherwise lawfully held, Lydia Chepkemoi shall forthwith be unconditionally discharged and released from prison.
5. Signal to issue.
6. This file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 11TH DAY OF MARCH, 2024



R. E. ABURILI
JUDGE

