



**Rotich v Republic (Revision Case E051 of 2024)
[2024] KEHC 2763 (KLR) (14 March 2024) (Ruling)**

Neutral citation: [2024] KEHC 2763 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E051 OF 2024
HM NYAGA, J
MARCH 14, 2024**

BETWEEN

VINCENT KIPKURUI ROTICH APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This file has been brought up for revision in order to decongest the Nakuru GK Prison.
2. The Applicant was charged with the offence of;

Count I:

Entering into a protected area without a permit or any other lawful exemption contrary to Section 102 (1) (a) as read with Section 102 (1) (h) of the [Wildlife Conservation and Management Act 2013](#).

The particulars are that; On the 3rd day of October, 2023 at around 1330 hrs, at Old Delta 2 in Lake Nakuru National Park, Nakuru West Sub County within Nakuru County at GPS co-ordinates 37M 0172405 UTM 9957923, you was found to have entered into a protected area on foot without a permit from the Director General Kenya Wildlife Service.

Count II:

Undertaking extractive activity in wildlife protected area without a permit or any other lawful exemption contrary to Section 102 91) (g) as read with Section 102(1) (h) of the [Wildlife Conservation and Management Act 2013](#) (as Amended).

The particulars are that; On the 3rd day of October, 2023 at around 1330 hrs, at Old Delta 2 in Lake Nakuru National Park, Nakuru West Sub County within Nakuru County at GPS co-ordinates 37M



0172405 UTM 9957923, you was found undertaking extractive activity namely fishing and you were in possession of four (4) sacks and twenty (20) kilograms of fresh fish or fish without a permit from the Director General, Kenya Wildlife Service.

3. He pleaded guilty and he was sentenced to pay a fine of
Count 1 – Kshs. 10,000/- in default 4 months in jail
Count II – Kshs. 30,000/- in default 7 months in jail.
4. The Applicant has served a substantial part of this sentence.
5. The Sentence Review Report by the Probation Officer, Nakuru County found the Applicant suitable for Community Service. It is recommended that he performs the same at Barut Chief's Office.
6. I find this case fit for Revision and order that the sentence of the trial court be revised. The Applicant is now to serve the remainder thereof under Community Service at Barut Chief's Office for Two (2) months.
7. The terms will be explained to him.

DATED, SIGNED AND DELIVERED AT NAKURU THIS 14TH DAY OF MARCH, 2024.

H. M. NYAGA

JUDGE

In the presence of:-

C/A Oleperon

N/A for state

