



**Kulei v Republic (Criminal Revision E072 of 2024)  
[2024] KEHC 3438 (KLR) (11 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 3438 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
CRIMINAL REVISION E072 OF 2024  
RN NYAKUNDI, J  
APRIL 11, 2024**

**BETWEEN**

**GILBERT KULEI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant was charged and sentenced on his own plea of guilty to a fine of Kshs. 30,000/= in default 6 months imprisonment for the offence of cutting and removing forest produce from a public forest without authority contrary to section 62(1)(a) as read with sections 64(2) and sections 68(1) of the *Forest Conservation and Management Act*, 2016.
2. The applicant has approached this court pursuant to sections 357,362,364 & 382 of the *Criminal Procedure Code* as construed with Article 50(2)(p) &(q) as conjunctively read with Article 50(6)(a) &(b) of the *Constitution*.
3. The applicant seeks a sentence review based on the Probation sentence report filed on 26<sup>th</sup> March, 2024. The report is positive and recommends him for a community service orders at Chegaiya police station for the remaining two months.
4. The applicant is pleading for a non-custodial sentence and he is willing to serve a non-custodial sentence for the remainder of his sentence. The nucleus of any correctional system is its rehabilitative and reparative functions. The rehabilitative function has been served. The reparative function on the other hand cannot be achieved much given that the property in question is public.
5. In my considered view, the period served by the applicant has shaped his character. The applicant indicated that he is remorseful and has learned through the hard way. He vowed not to enter a government forest again. I believe the applicant is a perfect fit for anon-custodial sentence. He is a first-time offender and he is remorseful. For these reasons, the applicant is placed on community service



orders at Chegaiya Police Station for the remaining two months. During this period, the probation officer is obligated to file monthly reports in court in ensuring compliance of the sentence and its effectiveness.

**SIGNED, DATE AND DELIVERED AT ELDORET THIS 11<sup>TH</sup> DAY OF APRIL 2024.**

.....

**R. NYAKUNDI**

**JUDGE**

