



REPUBLIC OF KENYA



**Kawinzi v Republic (Revision Case E139 of 2024)
[2024] KEHC 4420 (KLR) (9 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 4420 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E139 OF 2024**

**HM NYAGA, J
APRIL 9, 2024**

BETWEEN

AUSTIN MAINGI KAWINZI 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:

Cutting and removing forest produce from a provisional forest without authority Contrary to Section 64(1) (a) as read with Section 64(2) and Section 68(1) (a) (c) of the [Forest Conservation Management Act](#) 2016.

The particulars are that;

On the 16th day of September 2023 at around 1900 hours at Molo Forest in Molo Sub-county, within Nakuru County, unlawfully cut and removed seventeen logs of cypress tree using a cart all valued at Kshs. 56,729/= the property of Kenya Forest Service without a licence or permit from the Kenya Forest Service.

3. He pleaded guilty and he was sentenced to pay a fine of Kshs. 50,000/= in default one (1) year 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 Molo Probation Station.



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 Molo Probation Station for three (3) months.
7. The terms will be explained to him.

DATED, SIGNED AND DELIVERED AT NAKURU THIS 9TH DAY OF APRIL, 2024.

H. M. NYAGA

JUDGE

In the presence of;

C/A Oleperon

N/A for state

