



**Rueben v Republic (Criminal Revision 95 of 2023)
[2024] KEHC 6404 (KLR) (4 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 6404 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 95 OF 2023**

DR KAVEDZA, J

JUNE 4, 2024

BETWEEN

MELLEN GESARE RUEBEN APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged and convicted for two counts for the offence of being in possession of wildlife trophy contrary to section 95 of the *Wildlife Conservation and Management Act*, 2013. In count I, she was sentenced to pay a fine of Kshs. 1 million in default to serve 3 years imprisonment while in count II, she was sentenced to pay a fine of Kshs. 2 million in default to serve 5 years imprisonment.
2. He has filed an application for sentence revision, stating that she has been in custody since 2014, totalling almost 10 years during which she has undergone rehabilitation. She is a mother aged 50 years and facing health related issues. prayed for early release to aid her reintegration into society. She prayed for a non-custodial sentence.
3. This court called for probation report which was favourable. The report indicates that the applicant is remorseful for the crime committed. As for her conduct in prison, the applicant has attended a number of trainings and counselling sessions, which have been instrumental in her rehabilitation process. The applicant’s family is also committed to helping her effectively rehabilitate and ensure successful reintegration into the community.
4. In view of the foregoing, it is my finding that the applicant is eligible for early release. I therefore find the time served as adequate sentence under the circumstances.
5. The applicant is released forthwith unless otherwise lawfully held.

Orders accordingly.



RULING DATED AND DELIVERED VIRTUALLY THIS 4TH DAY OF JUNE 2024

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D. KAVEDZA

JUDGE

