



**Muiruri & 5 others v Republic (Revision Case 131 of 2024)
[2024] KEHC 11535 (KLR) (19 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 11535 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE 131 OF 2024
HM NYAGA, J
SEPTEMBER 19, 2024**

BETWEEN

**STEPHEN KAMAU MUIRURI 1ST APPLICANT
CALEB CHEMJOR MILGO 2ND APPLICANT
PHOUSTINE ODUOR MAKHOHA 3RD APPLICANT
SYMON KAMAU MULI 4TH APPLICANT
JARED ONYANGO OMOLO 5TH APPLICANT
NICKY SOIT 6TH APPLICANT**

AND

REPUBLIC RESPONDENT

RULING

1. The accused persons (Applicants) were charged with the following offences;

Count I

Entering into a protected area within 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.

1. Stephen Kamau Muiruri 2. Caleb Chemior Milgo 3. Phoustine Oduor Makhoha 4. Symon Kamau Muli 5. Jared Onyango Omolo 6. Nicky Soit

On the 9th day of January, 2024 at around 1329 hours at number 41 area in Lake Nakuru National Park, Nakuru West sub-county within Nakuru County at GPS co-ordinates 37M 0172585 UTM 9961928, you were 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 (1) (g) as read with Section 102 (1) (h) of the [Wildlife Conservation and Management Act](#) 2013.

On the 9th day of January, 2024 at around 1329 hours at number 41 area in Lake Nakuru National Park, Nakuru West sub-county within Nakuru County at GPS co-ordinates 37M 0172585 UTM 9961928, you were found undertaking extractive activity namely fishing and you were in possession of Eight (8) sacks, three (3) fishing net and thirty four (34) kilograms of fish without a permit from the Director General Kenya Wildlife Service.

2. They all pleaded guilty and were convicted and sentenced to a fine of Kshs. 200,000/= in default two (2) years imprisonment on each count.
3. This file has been brought to this court for revision under the prisons decongestion exercise.
4. The sentence review reports on each applicant is favourable to them serving the remainder of their sentence on probation.
5. I have noted that the applicants have been in custody for eight (8) months now. I believe that the time spent in prison has been sufficient to teach them any lesson that the trial court intended them to learn.
6. In exercise of the powers of the court under Article 165 (6) and (7) of [the Constitution](#) and Section 362 of the Criminal Procedure Code (CPC). I review the sentence for each applicant and order that the remainder of their sentences shall be served on probation. Terms will be explained to them.

DATED, SIGNED AND DELIVERED AT NAKURU THIS 19TH DAY OF SEPTEMBER, 2024.

H. M. NYAGA

JUDGE

In the presence of;

C/A Jeniffer

N/A for state

