



REPUBLIC OF KENYA



**Kiplangat v Republic (Criminal Revision E002 of 2023)
[2023] KEHC 1334 (KLR) (16 February 2023) (Ruling)**

Neutral citation: [2023] KEHC 1334 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL REVISION E002 OF 2023
AN ONGERI, J
FEBRUARY 16, 2023**

BETWEEN

NICHOLAS KIPLANGAT APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant Nicholas Kiplangat filed this revision application dated 11/1/2023 seeking review of the sentence meted against him on 19/12/2022 for the offence of Dealing with Alcoholic drinks without a licence Contrary to section 7(1) (b) as read with section 62 of the *alcoholic Drinks Control Act* No.4 of 2010.
2. The Applicant said he is a first offender but that notwithstanding, he was sentenced to 12 month in default to pay a fine of Kshs.100,000/=.
3. The applicant stated that he has school going children and further that he is the sole bread winner of his family.
4. The applicant finds this sentence punitive, excessive and severe.
5. I have perused the Original Record and I find that the applicant pleaded guilty to the charge of dealing with 100 litres of Busaa without a permit.
6. I find that it is not in dispute that the applicant is a first offender.
7. The charge sheet states he was found in possession of 100 litres of busaa but in the facts, it is said it was 100 litres of Changaa. There is no way of establishing whether the alcoholic drinks was changaa or busaa.



8. I find that the revision sentence is merited. I reduce the sentence meted on the applicant to the period served.
9. I order that the Applicant be released forthwith unless lawfully held for any other reason.

DELIVERED, DATED AND SIGNED AT KERICHO THIS 16TH DAY OF FEBRUARY, 2023.

A. N. ONGERI

JUDGE

