



**Kipngetich v Republic (Revision Case E638 of 2022)  
[2023] KEHC 3416 (KLR) (20 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3416 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
REVISION CASE E638 OF 2022  
HM NYAGA, J  
APRIL 20, 2023**

**BETWEEN**

**DICKSON TONU KIPNGETICH ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant Dickson Tonui Kipngetich was convicted on his own plea of guilty for the offence of dealing with Alcoholic Drinks for sale without Licence contrary to section 7(1) (b) as read with section 62 of the *Alcoholic Drinks Control Act* No.4 of 2010.
2. He was sentenced to serve 9 months' imprisonment on December 5, 2022.
3. He has so far served about 4 months in prison. He is a first time offender.
4. According to sentence Review Report filed on February 1, 2023 the applicant has been conducting himself well while in prison. He has learnt his lesson and he is remorseful. The Community Service officer one Douglas Mwiraria recommends he be placed on Community service.
5. Considering the applicant has spent considerable time in prison and in the spirit of decongesting the prison, I hereby exercise judicial discretion and suspend the remainder of the prison term and order for his release from prison forthwith unless otherwise lawfully held.
6. File Closed.

**DATED, SIGNED & DELIVERED AT NAKURU THIS 20<sup>TH</sup> April, 2023.**

**H.M. NYAGA**

**JUDGE**

In the presence of:



C/A Jeniffer

Ms Murunga for state

Applicant present

