



REPUBLIC OF KENYA



KENYA LAW
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**Chebet v Republic (Criminal Revision E076 of 2023)
[2023] KEHC 23812 (KLR) (19 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 23812 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL REVISION E076 OF 2023
JK SERGON, J
OCTOBER 19, 2023**

BETWEEN

WINNIE CHEBET APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. Winnie Chebet, hereinafter referred to as the applicant was convicted of the offence of being in possession of alcoholic drinks for sale without a license contrary to section 27 (1) (b) as read with section 27 (4) of the *Alcoholic Drinks Control Act* No 4 of 2010.
2. On February 13, 2023, Hon A. Ajwang, the learned Senior Resident Magistrate sentenced the applicant to pay a fine of Kshs. 100,000/= in default to serve twelve (12) months imprisonment.
3. The proceedings relating to the aforesaid case, that is Kericho CMC Case No 493 of 2023 *Republic vs- Winnie Chebet* were placed before this Court pursuant to the provisions of section 362 and 364 of the *Criminal Procedure Code*.
4. The Probation Officer filed a sentence review report on July 24, 2023. In the said report it was noted that the applicant was remorseful and promised not to reoffend. The probation officer noted that the current home environment was favourable for release on a non-custodial sentence. The prison authorities were not opposed to her release on community service. The probation officer therefore recommended that the applicant completes the remaining term of her sentence on community service order (CSO).
5. I have already stated the sentence pronounced by the Learned Senior Resident Magistrate. The applicant has so far served five (8) months and is remaining with seven (4) months to complete her sentence.



6. Having considered the fact that the sentence review report is favourable, I hereby direct that the applicant namely:- Winnie Chebet be set free from custody and ordered to serve the remainder of her sentence of four (4) months on community service order (CSO) at Kaplelartet Chief's Office under the supervision of the area Chief.

DATED, SIGNED AND DELIVERED THIS 19TH DAY OF OCTOBER, 2023.

J.K. SERGON

JUDGE

