



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NANYUKI**

**CRIMINAL REVISION NO.49 OF 2020**

**DAVID NDERITU .....APPLICANT**

**VERSUS**

**REPUBLIC .....RESPONDENT**

*(Revision of the Original Sentence dated 10.1.2020 in Nanyuki Criminal Case No.27 of 2020)*

**09.04.2020**

Before Justice H P G Waweru

In Chambers

**ORDER ON REVISION**

1. I have examined the trial court record.
2. The convict herein, DAVID NDERITU, was on 10.1.2020 sentenced to two fines totaling Kshs.25,000= and in default to serve cumulative six (6) months imprisonment for the offences of cutting down trees contrary to Section 334(c) of the Penal code and illegal removal of forest produce contrary to Section 64(1)&(2) of the Forest Control and Management Act, 2016. He did not pay the fine.
3. Because of the current Coronavirus (COVID -19) crisis in our country, and in an effort to de-congest the prisons, and in exercise of the powers of the Court under Article 159(2) of the Constitution and Section 362 & 364 of the Criminal Procedure Code, I hereby set aside the default sentence and substitute therefore the time already served.
4. The convict shall therefore be set at liberty forthwith unless otherwise lawfully held.
5. It is so ordered.

**DATED AT NANYUKI THIS 9<sup>TH</sup> DAY OF APRIL, 2020**

**H.P.G. WAWERU**

**JUDGE.**

**DEPUTY REGISTRAR**

**NANYUKI HIGH COURT**