



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NANYUKI**

**CRIMINAL REVISION NO. 44A OF 2020**

**FREDRICK NDEREBA.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

(Revision of the Original Sentence dated 13.12.2019 in Nanyuki Criminal Case No.1601 of 2019)

**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, FREDRICK NDEREBA, was on 13.12.2019 sentenced to a fine of Kshs.25,000= and in default to serve 6 months imprisonment for the offence of Illegal charcoal making in a government forest contrary to Section 67(1)(e) 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**