

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NANYUKI

CRIMINAL REVISION NO.79 OF 2020

JOHN GITONGA.....APPLICANT

VERSUS

REPUBLICRESPONDENT

(Revision of the Original Sentence dated 29.11.19 in Nanyuki Criminal Case No.1518 of 2019)

08.04.2020

Before Justice H P G Waweru

In Chambers

ORDER ON REVISION

1. I have examined the trial court record.

2. The convict herein, JOHN GITONGA, was on 29.11.19 sentenced to a fine of Kshs.18,000= and in default to serve six (6) months imprisonment for the offence of illegal cutting and removal of forest produce contrary to Section 64(1)(a) & (2) of the Forest Control and Management Act, No.34 of 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 8TH DAY OF APRIL, 2020

H.P.G. WAWERU

JUDGE.

DEPUTY REGISTRAR

NANYUKI

HIGH

COURT
