

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NANYUKI

CRIMINAL REVISION NO.68 OF 2020

JAPHET KIMATHI.....APPLICANT

VERSUS

REPUBLICRESPONDENT

(Revision of the Original Sentence dated 27.02.2020 in Nanyuki Criminal Case No.233 of 2020)

07.04.2020

Before Justice H P G Waweru

In Chambers

ORDER ON REVISION

1. I have examined the trial court record.
2. The convict herein, JAPHET KIMATHI, was on 27.02.2020 sentenced to a fine of Kshs.30,000= and in default to serve ten (10) months imprisonment for the offence of Unlawfully removing forest produce contrary to Section 64(2) of the Forest Conservation & 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 Sections 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 7TH DAY OF APRIL, 2020

H.P.G. WAWERU

JUDGE

DEPUTY REGISTRAR

NANYUKI HIGH COURT