



**REPUBLIC OF KENYA**

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

**CRIMINAL REVISION NO.115 OF 2020**

*(From Original Conviction and Sentence in Nanyuki Criminal Case No.299 of 2020)*

**PAUL CHEGE NJOKI.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**13/07/2020**

Coram: Before Waweru, J

(In chambers)

**ORDER IN REVISION**

1. Upon application by the convict herein, **PAUL CHEGE NJOKI**, I have called for and examined the record of the trial court in respect to the sentence.
2. The convict was convicted upon his own plea of illegal cutting and removal of forest produce **C/S 64(1) & (2)** of the Forest Conservation and Management Act, **No.34 of 2016**.  
  
On 15/04/2020 he was sentenced to a fine of Kshs.10,000/00 and in default to serve four (4) months imprisonment. He did not pay the fine and is now serving the default sentence.
3. The default sentence is illegal. It should not have exceeded three (3) months imprisonment for a fine not exceeding Kshs.15,000/00. See Section 28(2) of the Penal Code.
4. I will therefore set aside the default sentence of 4 months imprisonment and substitute therefor a three (3) months imprisonment.
5. To that limited extent only is the sentence interfered with. It is so ordered.

**GIVEN** under my hand and seal of this Honourable Court this 13<sup>th</sup> day of July 2020

**H.P.G. WAWERU**

**JUDGE.**

**ISSUED** at NANYUKI this 14<sup>th</sup> day of July 2020.

**DEPUTY REGISTRAR**

**NANYUKI HIGH COURT**