

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

CRIMINAL DIVISION

CRIMINAL REVISION NO. 54 OF 2019

STEPHEN OMONDI OWINO.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

1. The Applicant was the 3rd accused in Kibera Chief Magistrate's Court **Cr.Case No. 965 of 2016**. He was charged with dealing in Wildlife Trophy contrary to **Section 84(a) as read with Section 92 and Section 105 of the Wildlife Conservation and Management Act, 2013**.
2. It was alleged that on the 26th day of February, 2016 at around 15.40 hrs near Naivas Supermarket in Donholm within Nairobi County, jointly dealt in 3 pieces of raw elephant tusks weighing 25 kgs with a street value of Kshs. 2.5 million, without a license.
3. The Applicant after conviction was sentenced to pay a fine of Kshs. 1,000,000/= or serve five years imprisonment. He also pleads for leniency stating that he is remorseful and has a family to take care of.
4. The record of proceedings shows that the Applicant was a first offender. He was sentenced on 10/12/2016 and has therefore served the three years of the jail term. I consider this to be sufficient sentence.
5. In sum, I set aside the balance of the sentence and order that the Applicant be forthwith set free unless otherwise lawfully held. It is so ordered.

DATED and DELIVERED this 16th day of **December, 2019**

G.W. NGENYE-MACHARIA

JUDGE

In the presence of:

1. Applicant present in person
2. M/s Akunja for the Respondent.