

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

CRIMINAL REVISION NO. E075 OF 2025

JOHNSON MUKEKU KISILU 1ST

APPLICANT

SAMMY SELEMOI KAPCHEPAWAN 2ND

APPLICANT

VERSES

**REPUBLIC.....RESPON
DENT**

RULING

1. The two applicants herein were charged and convicted of two offences under the Wildlife Conservation and Management Act. Upon conviction they were each fined as follows:

Count 1 - Fine - Ksh 200,000/= in default 2 years imprisonment

Count 2 - Fine - Kshs 200,000/= in default 2 years imprisonment.

2. In their joint application they seek to have the court give each an alternative sentence.

3. Their prayer was opposed by the prosecution on the ground that there was nothing due for review and so they should file an appeal.
4. The record shows that the applicants pleaded guilty to the charges when they were first presented to court for plea. It is also confirmed that section 102 (l) (h) of the Wildlife Conservation and Management Act provides for a minimum sentence of a fine of Ksh 200,000/- or a sentence of two years imprisonment no matter the mitigation.
5. The value of the fish the applicants were found in possession of is Ksh 21,500/=. They have been in prison since 7th January, 2025 which is ten (10) months. This is more than sufficient punishment for them.
6. As the Judiciary we are undertaking a decongestion exercise of the prisons in the next two (2) weeks. The prisons are overflowing with remandees and prisoners.
7. The applicants will hereby benefit from that window. They are warned against a repeat. They must avoid the Lake Nakuru National Park.

Order

1. The sentence of each of them is reduced to the period already served on both counts.
 2. They shall be released forthwith unless otherwise held under a separate warrant.
8. Orders accordingly.

**Delivered, dated and signed this 12th day of
November, 2025 in open court at Nakuru.**

**H. I. ONG'UDI
JUDGE**