



**Republic v Wainaina (Criminal Case E356 of 2026)
[2026] KEMC 25 (KLR) (17 February 2026) (Sentence)**

Neutral citation: [2026] KEMC 25 (KLR)

**REPUBLIC OF KENYA
IN THE NAKURU LAW COURTS
CRIMINAL CASE E356 OF 2026
PA NDEGE, SPM
FEBRUARY 17, 2026**

BETWEEN

REPUBLIC PROSECUTION

AND

SAMUEL MURIITHI WAINAINA ACCUSED

SENTENCE

1. The accused person herein, Samuel Muriithi Wainaina, was charged with three counts namely:
 - Count I: Selling Alcoholic Drinks without Liquor License contrary to Section 7(1) as read with Section 62 of the *Alcoholic Drinks Control Act*, No. 4 of 2010 Kenya);
 - Count II: Handling Food in a Food Plant without a Valid Medical Certificate contrary to Section 41(2) of the Nakuru County Government (Public Health) Act 2017 and Punishable under Section 46 of the same Act; and
 - Count III: Selling Alcoholic Drinks in a Container less than 250ml contrary to Section 31(2) (a) of the *Alcoholic Drinks Control Act* No. 4 of 2010, laws of Kenya
2. The accused pleaded guilty to all the counts and was accordingly convicted on his own plea. The prosecution confirmed that he is a first-time offender. In mitigation, the accused sought forgiveness and expressed remorse. I have considered the circumstances of the offence, the mitigation tendered, the Sentencing Policy Guidelines (2016), and the principle of proportionality. The offences arose from the same transaction. I thus do hereby sentence the accused person herein as follows:
 - Count I: Selling Alcoholic Drinks without Liquor License contrary to Section 7(1) as read with Section 62 of the *Alcoholic Drinks Control Act*, No. 4 of 2010 Kenya): Fined Kshs. 16,500/- in default to serve 5 months imprisonment.



Count II: Handling Food in a Food Plant without a Valid Medical Certificate contrary to Section 41(2) of the Nakuru County Government (Public Health) Act 2017 and Punishable under Section 46 of the same Act: Fined Kshs. 750 in default to serve 1 and half months imprisonment.

Count III: Selling Alcoholic Drinks in a Container less than 250ml contrary to Section 31(2)(a) Control Act No. 4 of 2010, laws of Kenya: Discharged under section 35(1) of the Penal Code, so as to avoid double punishment.

All sentences shall run consecutively because of the fine option and Right of Appeal within 14 days explained.

DATED, SIGNED AND DELIVERED AT NAKURU IN OPEN COURT THIS...17TH. DAY OF... FEBRUARY., 2026.

ALOYCE PETER NDEGE

SENIOR PRINCIPAL MAGISTRATE

In the presence of;

.....Wanyoike..... court interpreter

.....Macharia.....Prosecution Counsel

Accused: Present

