



**Republic v Ochieng (Criminal Case E088 of 2026)
[2026] KEMC 3 (KLR) (27 January 2026) (Sentence)**

Neutral citation: [2026] KEMC 3 (KLR)

**REPUBLIC OF KENYA
IN THE NAKURU LAW COURTS
CRIMINAL CASE E088 OF 2026
PA NDEGE, SPM
JANUARY 27, 2026**

BETWEEN

REPUBLIC PROSECUTION

AND

VICTOR OCHIENG ACCUSED

SENTENCE

1. The accused person herein, Victor Ochieng, has been convicted upon own plea of guilty of the offence of Selling Alcoholic Drinks that does not Conform to the Prescribed Standards of the [Alcoholic Drinks Control Act](#) contrary to Section 32 as read with sub-section 8 of the same Act. He has admitted that on 14/01/2025 at around 1.00pm at Railways area of Nakuru township in Nakuru East sub-County within Nakuru County, he was found selling alcoholic drinks namely chang'aa to wit 5 litres which does not bear a statement as to its constituents and health warning message which contravened the said [Act](#).
2. He is not a first-time offender as records of previous conviction in Nakuru CR. E2484/2025 where he was convicted of the same offence and sentenced to serve community service for a period of 1 month which he absconded after serving 2 weeks were revealed in the Pre-Sentence report presented herein dated 22/01/2026. The accused despite admitting the previous conviction, prayed for leniency and insisted on a non-custodial sentence.
3. I have looked at the quantity of the subject matter herein and the fact that the accused has 1 previous convictions of a similar offence wherein he failed to complete the non-custodial sentence that was imposed. He nevertheless still went ahead to commit the same offence again. It therefore appears that the probation officers and the society have failed in their bid to reform or correct him. The accused person has however pleaded guilty and has thus saved the court's time.



4. Considering the above factors and the principles of sentencing of proportionality as enshrined in the [Sentencing Policy Guidelines of 2023](#), I do hereby fine the accused person Kshs. 15,000 and in default to serve 5 months imprisonment. The alcohol produced as exhibit herein are also hereby forfeited to the state. They be destroyed upon the lapse of 14 days appeal window and a certificate of the destruction be put in this file.

14 days Right of Appeal explained

DATED, SIGNED AND DELIVERED AT NAKURU IN OPEN COURT 27TH DAY OF JANUARY ,2026

ALOYCE-PETER-NDEGE

SENIOR PRINCIPAL MAGISTRATE

In the presence of;

Court interpreter- Wanyoike

Prosecution counsel- Macharia

Accused- Present

