



REPUBLIC OF KENYA



KENYA LAW
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**Njuguna v Republic (Criminal Revision E292 of 2024)
[2025] KEHC 614 (KLR) (30 January 2025) (Ruling)**

Neutral citation: [2025] KEHC 614 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL REVISION E292 OF 2024
PN GICHOHI, J
JANUARY 30, 2025**

BETWEEN

JOHN MWANGI NJUGUNA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This file has been brought up for Revision in order to decongest the Nakuru GK prison.
2. The Applicant (John Mwangi Njuguna) was charged in Molo MCCR E834 of 2024 with the offence of;

Count I

Being in possession of alcoholic Drink that does not conform to the requirements of Section 27 (1) (b) and Section 27 (4) of the *Alcoholic Drink Control Act* Cap 121 (A) No. 4 of 2010.

3. The particulars are that on the 29th day of March, 2024, at Kandutura village of Visoi Location in Rongai Sub-County within Nakuru County, was found in possession of alcoholic drink namely Chang'aa in his house which is unlicensed premise to wit 10 litres that is not packed in glass or pet bottles or metallic which was not licensed to possess and does not conform to the requirements of the above said Act.

Count II

Manufacturing Alcoholic Drinks contrary to Section 7(1) (a) as read with Section 62 of *Alcoholic Drinks Control Act* No. 4 of 2010.

4. The particulars are that on the 29th day of March, 2024, at Esageri Forest, Kandutura village of Visoi Location in Rongai Sub-County within Nakuru County, was found manufacturing alcoholic drink



namely Chang'aa using metallic drum and one homemade coil which contravenes Alcoholic Drinks Act No. 4 of 2010.

Count III

Trespass upon private land contrary to Section 3(1) as read with Section 3(11) of the [Trespass Act](#) Cap 294 Laws of Kenya.

5. The particulars are that on the 29th day of March, 2024, at Esageri Forest, Kandutura village of Visoi Location in Rongai Sub-County within Nakuru County, unlawfully entered Esageri Forest without permit from the Director of Kenya Forest Service which contravenes the said Act.
6. He pleaded guilty and was sentenced to pay a fine of Ksh.15,000/= in default three (3) months imprisonment on count I. On Count III he was sentenced to pay a fine of Ksh.20,000/= in default two (2) months imprisonment.
7. The Sentence Review Report by the Probation officer, Molo filed on 16th December, 2024 found the Applicant has fully served his sentence and was released from prison on 23rd August, 2024.
8. In the circumstances the application has been overtaken by events and file marked as closed.

DATED, SIGNED AND DELIVERED AT NAKURU THIS 30TH DAY OF JANUARY, 2025.

PATRICIA GICHOHI

JUDGE

In the presence of:

Ms Emma Okok for Respondent

Ruto - Court Assistant

