



REPUBLIC OF KENYA



KENYA LAW
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**Tanui alias Tumbo v Republic (Criminal Revision E272 of 2024)
[2025] KEHC 612 (KLR) (30 January 2025) (Ruling)**

Neutral citation: [2025] KEHC 612 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL REVISION E272 OF 2024
PN GICHOHI, J
JANUARY 30, 2025**

BETWEEN

MARTIN KIPRUTO TANUI ALIAS TUMBO 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 (Martin Kipruto Tanui alias Tumbo) was charged in *Molo MCCR E2549 of 2022* with the offence of;

Count I

3. Being in possession of unaccustomed goods, contrary to Section 200 (d)(iii) of the *East African Community Custom Management Act 2004*.
4. The particulars are that on the 19th day of December, 2022 at Total Trading Centre in Mau Summit Location, in Kuresoi North Sub-County within Nakuru County, was found in possession of Alcoholic Drinks (spirits) to wit 24 bottles of Empire Cane spirits of 200 ml valued at Ksh.2,400/= which you knew or ought to have reasonable known to be unaccustomed goods.

Count II

5. Being in possession of excisable goods, affixed counterfeit with excise stamps, contrary to Section 28, 39 and 40 of *Excise Duty 2015* as read with Regulation 30(i)(f), 30 (2) of the *Excise Duty Act 2017*.
6. The particulars are that on the 19th day of December, 2022 at Total Trading Centre in Mau Summit Location, in Kuresoi North Sub-County within Nakuru County, you were found in possession of



Alcoholic Drinks (spirits) to wit 24 bottles of Empire Cane spirits of 200 ml valued at Ksh.2,400/= with counterfeit stamp which you knew or ought to have reasonable known to be counterfeit.

Count III

7. Offering for sale Alcoholic Drinks packed in Plastic containers of less than 250 ml contrary to Section 31 (2) (a) as read with Section 31 (3) of the [Alcoholic Drinks Control Board Act](#) of 2010 (Revised 2012).
8. The particulars are that on the 19th day of December, 2022 at Total Trading Centre in Mau Summit Location, in Kuresoi North Sub-County within Nakuru County, you were found selling Alcoholic Drinks (spirits) 24 bottles of Empire Cane spirits which contravenes the said [Act](#).

Count IV

9. Being in possession of unaccustomed goods, contrary to Section 200 (d)(iii) of the *East African Community Custom Management Act* 2004.
10. The particulars are that on the 24th day of December, 2022 at Total Trading Centre in Mau Summit Location, in Kuresoi North Sub-County within Nakuru County, was found in possession of Alcoholic Drinks (spirits) to wit 70 bottles of Empire Cane spirits of 200 ml valued at Ksh.7,000/= which you knew or ought to have reasonable known to be unaccustomed goods.

Count V

11. Being in possession of excisable goods, affixed counterfeit with excise stamps, contrary to Section 28, 39 and 40 of [Excise Duty](#) 2015 as read with Regulation 30(i)(f), 30 (2) of the [Excise Duty Act](#) 2017.
12. The particulars are that on the 24th day of December, 2022 at Total Trading Centre in Mau Summit Location, in Kuresoi North Sub-County within Nakuru County, you were found in possession of Alcoholic Drinks (spirits) to wit 70 bottles of Empire Cane spirits of 200 ml valued at Ksh.7,000/= with counterfeit stamp which you knew or ought to have reasonable known to be counterfeit.

Count VI

13. Offering for sale Alcoholic Drinks packed in Plastic containers of less than 250 ml contrary to Section 31 (2) (a) as read with Section 31 (3) of the [Alcoholic Drinks Control Board Act](#) of 2010 (Revised 2012).
14. The particulars are that on the 24th day of December, 2022 at Total Trading Centre in Mau Summit Location, in Kuresoi North Sub-County within Nakuru County, you were found selling Alcoholic Drinks (spirits) 24 bottles of Empire Cane spirits which contravenes the said [Act](#).
15. He pleaded guilty and was sentenced to pay a fine of Ksh.10,000/= in default five (5) months imprisonment on each count.
16. The Sentence Review Report by the Probation officer, Molo dated 16th December, 2024 has now confirmed that the Applicant has fully served his sentence.
17. 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

