



REPUBLIC OF KENYA



**KENYA LAW**  
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**Cherono v Republic (Criminal Appeal E016 of 2022)  
[2025] KEHC 3183 (KLR) (27 February 2025) (Judgment)**

Neutral citation: [2025] KEHC 3183 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BOMET  
CRIMINAL APPEAL E016 OF 2022  
JK NG'ARNG'AR, J  
FEBRUARY 27, 2025**

**BETWEEN**

**BETTY CHERONO ..... APPELLANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the Conviction and Sentence in Criminal Case Number 400 of  
2019 by Hon. Kibelion K. in the Principal Magistrate's Court in Bomet)*

**JUDGMENT**

1. The Appellant was charged with the offence of transporting forest produce without a licence contrary to Rule 11 (1) (a) as read with Rule 27 of the *Forests (Harvesting) Rules* under the *Forest Conservation and Management Act* No. 34 of 2006. The particulars of the offence were that on 5th December 2018 at about 0900 hours along Olenguruone-Silibwet Road within Bomet County, the Appellant jointly with another were found in motor vehicle registration number KCK xxxX, transporting forest produce being 174 pieces of cider posts without a licence from Kenya Forest Service.
2. In a Judgement dated 14th April 2022, the trial court found the Appellant guilty of the offence of transporting forest produce without a licence and sentenced her to pay a fine of Kshs 50,000/= in default to serve 6 months imprisonment. The trial court further ordered that the Kshs 30,000/= the Appellant had paid as her bail money, be used as part payment of the fine.
3. Being aggrieved with the Judgement of the trial court, the Appellant filed her Petition of Appeal on 26th April 2022 challenging her conviction and sentence. The Appellant through Mugumya & Co. Advocates filed an Amended Petition of Appeal on 11th November 2022.
4. I have gone through the record and from a cursory look, it appears to me that the Appeal has been overtaken by events. By virtue of the sentence that the trial court passed, the Appellant has completed her sentence thereby making this Appeal moot.



5. I have satisfied myself on the correctness of the sentence. Rule 11 (1) (a) of the *Forests (Harvesting) Rules* provides:-

A person shall not transport forest produce without in the case of produce from state forest or local authority forest, a valid licence and a delivery note, issued by the Director.....

6. Rule 27 of the *Forests (Harvesting) Rules* provides:-

A person who contravenes any provision of these Rules commits an offence and is liable, on conviction, to a fine not less than ten thousand shillings or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

7. In the end and in light of the above, it is my finding that the Appeal has been overtaken by events. The Amended Petition of Appeal dated 11th November 2022 is dismissed.

**JUDGEMENT DELIVERED, DATED AND SIGNED AT BOMET THIS 27<sup>TH</sup> DAY OF FEBRUARY 2025.**

.....

**HON. JULIUS. K. NG'ARNG'AR**

**JUDGE**

Judgement delivered in the presence of the Appellant, Mugumya for the Appellant Mr. Ayiekha for the Respondent and Siele and Susan (Court Assistants).

