



**Jepchumba v Republic (Criminal Revision E011 of 2025)
[2025] KEHC 5332 (KLR) (29 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 5332 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL REVISION E011 OF 2025
RN NYAKUNDI, J
APRIL 29, 2025**

BETWEEN

SHEILA JEPCHUMBA APPLICANT

AND

REPUBLIC RESPONDENT

*(From original conviction and sentence in MCCGCR
no E025 of 2025 of the Magistrate's Court at Moiben)*

RULING

Representation:

Ms Kirenge for the State

1. What is pending before me for determination is a Notice of Motion Application dated 5th March 2025 premised upon Article 165(6) of the [Constitution](#) of Kenya; section 329(1), 362, 364 & 367 of the [Criminal Procedure Code](#) where the Applicant is seeking the following orders:
 - a. Spent
 - b. That this Honourable Court be pleased to exercise its Revisionary powers to the decision made in the Magistrate's Court at Moiben in Criminal Case No E025 of 2025.
 - c. That the Court be pleased to review and set aside the sentence imposed on the Applicant and substitute it with an appropriate sentence that includes the option of a fine.
 - d. That in the alternative this Honourable Court be pleased to significantly reduce the custodial sentences imposed to better reflect the proportionality principle in criminal sentencing.
 - e. That the costs of this application be provided for.



2. The Application is based on the grounds and the annexed supporting affidavit dated 5th March 2025 with the following averments:
 - a. That on or about the 25th day of February 2025, the Applicant was charged with the offence of selling alcoholic drinks without a license contrary to section 8(1)(b) as read together with section 64 of the Uasin Gishu County *Alcoholic Drinks Control Act* No 1 of 2024.
 - b. That in the alternative, the Applicant was charged with manufacturing alcoholic drinks without a license contrary to section 8(1)(i) as read with section 64 of the same Act.
 - c. That the Applicant was arraigned in court on 25th February 2025 via online plea taking conducted at Ziwa Police Station.
 - d. That the Applicant, being a first-time offender without prior legal representation, pleaded guilty to both charges.
 - e. That the Applicant was sentenced and convicted to three (3) months imprisonment on the first count and twelve (12) months imprisonment on the second count, both without an option of a fine.
 - f. That upon thorough review of the court proceedings, we have noted with grave concern that the learned Trial Magistrate did not provide any sufficient reasons for denying the Applicant the option of a fine, which is commonly granted in similar case of this nature, particularly, first time offenders.

Analysis and Determination

3. I have gone through the applicant's undated notice of motion application filed under Certificate of Urgency and supported by the affidavit of the applicant seeking sentence review. I have also perused the Sentence Review Report dated 3rd April 2025 by Mr. Emmanuel Kemboi, the Senior Probation Officer, Uasin Gishu County and find the same to be favourable. I accordingly issue the following orders:
 - a. The applicant's sentence of twelve (12) months is hereby set aside and substituted with a non-custodial sentence of Community Service Order (CSO).
 - b. The applicant to serve community service for a period of seven (7) months at Mafuta Primary School under the supervision of the Officer Commanding Station (OCS), Ziwa Police Station.
4. It is so ordered.

DELIVERED, DATED AND SIGNED AT ELDORET ON THIS 29TH APRIL 2025

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R. NYAKUNDI

JUDGE

