



**Chepkemoi v Republic (Criminal Revision E175 of 2024)
[2025] KEHC 6963 (KLR) (27 May 2025) (Revision)**

Neutral citation: [2025] KEHC 6963 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL REVISION E175 OF 2024**

JK SERGON, J

MAY 27, 2025

BETWEEN

JANETH CHEPKEMOI APPLICANT

AND

REPUBLIC RESPONDENT

REVISION

1. Janeth Chepkemoi the Applicant was convicted for the offence of being in possession of alcoholic drinks for sale without licence contrary to Section 27 (1) as read with section 27 (4) of the *Alcoholic Drinks Control Act* No. 4 of 2010 in Criminal Case No. E2059 Of 2024 by the Chief Magistrates Court at Kericho and sentenced to a fine of Kshs. 100,000/= in default to serve 12 months imprisonment in default.
2. The Deputy Registrar of this court has placed the aforesaid file before this Court for perusal and examination pursuant to the Provisions of Sections 362 and 364 of the *Criminal Procedure Code*. The record shows that the Applicant was sentenced to a fine of Kshs.100,000/= in default to serve 12 months imprisonment for being in possession of 20 litres of busaa. The record does not show that the Applicant was given a chance to mitigate before the sentence was meted out. It is also apparent that the value of the busaa was not stated. The record also shows that the applicant was not given a chance to mitigate. It would appear that the applicant was a first offender.
3. This Court has formed the opinion that the sentence meted out in this case is harsh and excessive in the circumstances. This Court is therefore entitled to interfere with the aforesaid sentence. It is in the opinion of this court that the correct sentence in this case should have been a fine of not more that Kshs.50,000/=.
4. Consequently, the order sentencing the Applicant to a fine of Kshs.100,000/= is set aside and is substituted with a fine of Kshs.50,000/= in default to serve Seven (7) months imprisonment.



5. The record shows that the applicant has been serving the default sentence of 12 months since 26th July, 2024. The Applicant has so far served 10 months. The Seven (7) months default sentence is to run from the date of sentence i.e. 26th July, 2024.
6. It is clear that the Applicant namely:- Janeth Chepkemoi has served the default sentence freshly meted out by this Court in full. The applicant is hereby ordered set free forthwith unless lawfully held.

**DATED, SIGNED AND DELIVERED AT KERICHO THIS 27TH
DAY OF MAY, 2025.**

.....

J.K. SERGON
JUDGE

