



**Republic v Chepkoech (Criminal Case E156 of 2024)
[2025] KEHC 7007 (KLR) (27 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 7007 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL CASE E156 OF 2024
JK SERGON, J
MAY 27, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

FAITH CHEPKOECH RESPONDENT

RULING

1. Faith Chepkoech the Applicant herein was convicted on her own plea of guilty in Counts of being in possession of alcoholic drinks for sale without licence Contrary to Section 7(1)(b) as read with section 62 of the *Alcoholic Drinks Control Act* No. 4 of 2010 in Criminal Case No. E2011 OF 2024 in the Chief Magistrates Court at Kericho and sentenced to a fine of Kshs. 160,000/= in default twelve (12) months imprisonment in Count I and Kshs.30,000/= in default six (6) months in prison in Count II.
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*.
3. The record shows that the Applicant was sentenced to a fine of Kshs.160,000/= in default to serve 12 months imprisonment in Count I and Kshs.30,000/= in default to serve 6 months imprisonment in Count II for being in possession of 40 litres of Chang'aa and 15 litres of busaa respectively.
4. 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 appropriate value of the chang'aa and busaa were not stated.
5. This Court has formed the opinion that the sentence meted out in this case is harsh and excessive in the circumstances of this case.
6. This Court is therefore entitled to interfere with the aforesaid sentence. It is the opinion of this court that the correct sentence in this case should have been a fine of not more than Kshs.50,000/= in Count 1 and Kshs.10,000/= in Count 2.



7. Consequently, the order sentencing the Applicant to a fine of Kshs.160,000/= and Kshs.30,000/= are set aside and are substituted with a fine of Kshs.50,000/= in default to serve Seven (7) months imprisonment in Count I and Kshs.10,000/= in default three (3) months imprisonment in Count II.
8. The record shows that the applicant has been serving the default sentence of 12 months since 22nd 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. 22nd July, 2024.
9. It is obvious that the Applicant namely:- Faith Chepkoech has served the default sentence meted out by this Court in full. Therefore, Faith Chepkoech should be released from custody forthwith unless lawfully held.

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

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J.K. SERGON

JUDGE

