



REPUBLIC OF KENYA



**Republic v Yegon (Criminal Revision E168 of 2024)
[2025] KEHC 6964 (KLR) (27 May 2025) (Revision)**

Neutral citation: [2025] KEHC 6964 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL REVISION E168 OF 2024**

JK SERGON, J

MAY 27, 2025

ORIGINALLY CRIMINAL CASE NO. E399 OF 2024 AT KERICHO

BETWEEN

REPUBLIC APPLICANT

AND

BERNARD CHERUIYOT YEGON RESPONDENT

REVISION

1. The Deputy Registrar of this Court placed the file relating to Kericho CMCCRC No. E399 of 2024 *Republic v Bernard Cheruiyot Yegon* for perusal under Section 362 and 364 of the [Criminal Procedure Code](#).
2. Under aforesaid provision, this Court entitled to examine any Criminal Proceedings before any Subordinate Court for purposes of satisfying itself as to the correctness, legality or propriety of any finding sentence or order recorded or passed and as to the regularity of any proceedings of such Subordinate Court.
3. This Court has proceeded to examine the record and its apparent that Bernard Cheruiyot Yegon hereinafter referred to as the Applicant, was tried and convicted for the offence of Felling Trees in a Public Forest without authority Contrary to Section 64 (1) (a) as read with Section 64 (2) of the [Forest Conservation and Management Act](#) No.34 of 2016.
4. The Applicant was sentenced to a fine of Kshs.100,000/= or to serve 12 months imprisonment. The record shows that the applicant is a first offender. The Trial Court pronounced a maximum sentence. The default sentence was also the maximum prescribed by law. The applicant being a first offender should not have been given a maximum sentence.



5. This Court is of the view that the appropriate fine should have been Kshs.50,000/= in default six months imprisonment. It is therefore clear that this Court is entitled to interfere with the order on default sentence in exercise of its supervisory power of revision.
6. Consequently, the sentence of Kshs.100,000/= is set aside and is substituted with a sentence of Kshs.50,000/= in default to serve 6 months imprisonment. The default sentence to run from the date of sentence i.e. from 16th September, 2024.
7. The applicant has so far served 8 months in prison out of the 12 months of the default sentence pronounced by the Trial Magistrate.
8. It is clear that the Applicant has therefore served the new default sentence of seven (7) months in full. The Applicant namely: Bernard Cheruiyot Yegon should be set free from custody unless lawfully held.

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

J.K. SERGON

JUDGE

