



**Nyongesa v Republic (Criminal Revision E124 of 2025)  
[2025] KEHC 11854 (KLR) (6 August 2025) (Ruling)**

Neutral citation: [2025] KEHC 11854 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
CRIMINAL REVISION E124 OF 2025  
RN NYAKUNDI, J  
AUGUST 6, 2025**

**BETWEEN**

**CALEB NYONGESA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

Representation:

M/s Sidi for the State

1. The applicant herein was charged with the offence of being in possession of alcoholic drinks. The brief facts were that the Applicant on the 17<sup>th</sup> day of May 2025, at Kaplelach area in Turbo Sub County within Uasin Gishu County was found being in possession of alcoholic drinks to wit 10 litres of chang'aa having not been prepared in accordance with the [alcoholic drinks control Act](#) No.4 of 2010. He pleaded guilty to the offence, was convicted and sentenced to a fine of 15,000/= in default 3 months' imprisonment.

**Decision**

2. The applicant on his own plea of guilty was convicted and sentenced to a fine of 15,000 in default 3 months' imprisonment. As at the time of this revision on sentence under section 362 & 364 of the Criminal Procedure Code he had already completed serving the custodial sentence in default of non-payment of fine. The remedy has been spent and nothing for this court to exercise judicial discretion within the enabling provisions of the law. It is so ordered.

**DATED, SIGNED AND DELIVERED VIA CTS AT ELDORET THIS 6<sup>TH</sup> AUGUST 2025**

.....



**R. NYAKUNDI**  
**JUDGE**

