



**Kirui v Republic (Revision Case E110 of 2024)  
[2024] KEHC 3574 (KLR) (20 March 2024) (Ruling)**

Neutral citation: [2024] KEHC 3574 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
REVISION CASE E110 OF 2024  
HM NYAGA, J  
MARCH 20, 2024**

**BETWEEN**

**KENNEDY KIPKORIR KIRUI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. This file has been brought up for revision in order to decongest the Nakuru GK Prison.
2. The applicant was charged with the offence of:

**Count I**

Making charcoal in a National Forest, without authority, Contrary to Section 67 (1) ( e) of [Forest Conservation and Management Act](#) No. 34 of 2016.

The particulars are that;

On the 22<sup>nd</sup> day of November, 2023 at around 1300 hours Koibatek Forest, within Nakuru County, while having a jembe, unlawfully cut three (3) olea trees and was in the process of making charcoal out of it, all valued at Kshs. 3,021/= the property of Kenya Forest Service without a licence of permit from Kenya Forest Service.

3. He pleaded guilty and he was sentenced to pay a fine of Kshs. 50,000/= in default one (1) year imprisonment
4. The applicant has served a substantial part of this sentence.
5. The sentence review report by the probation officer, Nakuru County found the applicant suitable for Community Service. It is recommended that he performs the same at Mukinyai Chief's Office.



6. I find this case fit for revision and order that the sentence of the trial court be revised. The applicant is now to serve the remainder thereof under Community Service at Mukinyai Chief's Office for three (3) months.
7. The terms will be explained to him.

**DATED, SIGNED AND DELIVERED AT NAKURU THIS 20<sup>TH</sup> DAY OF MARCH, 2024.**

**H. M. NYAGA**

**JUDGE**

**In the presence of;**

C/A Oleperon

N/A for state

