



REPUBLIC OF KENYA



**Ngeno v Republic (Revision Case E111 of 2024)
[2024] KEHC 3014 (KLR) (20 March 2024) (Ruling)**

Neutral citation: [2024] KEHC 3014 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E111 OF 2024
HM NYAGA, J
MARCH 20, 2024**

BETWEEN

BENARD NGENO 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:
Being in possession of logging equipment in a public forest without authority, contrary to Section 64(1) (k) as read with Section 64(2) and Section 6891) of the *Forest conservation and Management Act*, 2016.
The particulars are that;
On the 22nd day of November 2023, at Gacharage beat area, in Kiresoi Public Forest, within Nakuru County was found being in unlawful possession of certain logging equipment namely; one Panga and one Jembe without a licence or a permit or a management agreement issued by or entered into with 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 Kaplamboyi 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 Kaplamboyi Chief's Office for three (3) months.

7. The terms will be explained to him.

DATED, SIGNED AND DELIVERED AT NAKURU THIS 20TH DAY OF MARCH, 2024.

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H. M. NYAGA

JUDGE

In the presence of;

C/A Oleperon

N/A for state

