



**Ongwae v Republic (Revision Case E147 of 2024)
[2024] KEHC 3904 (KLR) (23 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 3904 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E147 OF 2024
HM NYAGA, J
APRIL 23, 2024**

BETWEEN

NELSON NYABEN ONGWAE 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:
Cutting and removing forest produce from a provisional forest without authority Contrary to Section 64(1) (a) as read with Section 64(2) and Section 68(1) (a) (c) of the [Forest Conservation Management Act](#) 2016.
The particulars are that;
On the 20th day of December, 2023 at around 1600 house at Bararget Forest in Nakuru County, unlawfully cut and removed three logs of rosewood indigenous tree using panga all valued at Kshs. 25,000/- the property of Kenya Forest Service without a licence or permit from the Kenya Forest Service.
3. He pleaded guilty and he was sentenced to; Pay a fine of Kshs. 50,000/= in default six (6) months 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 Muchorwe Assistant 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 Muchorwe Assistant Chief's Office for a period of three (3) months.
7. The terms will be explained to him.

DATED, SIGNED AND DELIVERED AT NAKURU THIS 23RD DAY OF APRIL, 2024.

H. M. NYAGA

JUDGE

In the presence of;

C/A Kipsugut

N/A for state

