



REPUBLIC OF KENYA



**Rop v Republic (Revision Case E149 of 2024) [2024] KEHC 3912 (KLR) (23 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 3912 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
REVISION CASE E149 OF 2024**

**HM NYAGA, J**

**APRIL 23, 2024**

**BETWEEN**

**NICHOLAS KIPKORIR ROP ALIAS SIRIKWA ..... 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**

Manufacturing alcoholic drinks that does not conform to the requirements of alcoholic drinks control Contrary to Section 27(1) (A) as read with Section 27(4) of the *Alcoholic Drinks Control Act* 2016.

The particulars are that;

On the 29<sup>th</sup> June 2023, at Tarakwet village, Kamara Location in Kuresoi North Sub-County within Nakuru County, was found unlawfully manufacturing alcoholic drinks namely *Chang'aa* using (1) one drum (1) one *sufuria* (1) one metallic basin and piece of blanket without licence and in unlicensed premises in contravention of the above said *Act*.

**COUNT II**

Being in possession of alcoholic drinks, Contrary to Section 27(1) (b) as read with Section 27(4) of the *Alcoholic Drinks Control Act* No. 4 of 2010.

The particulars are that;

On the 29<sup>th</sup> day of June 2023, at Tarakwet Village, Kamara Location in Kuresoi North Sub-County within Nakuru County, was found being in possession of alcoholic drinks namely



*Changaa* to with 20 litres in a yellow jericin which does not conform with the requirements of the said act.

3. He pleaded guilty and he was sentenced to;

Count I: Pay a fine of Kshs. 70,000/= in default twelve (12) months imprisonment.

Count II: Pay a fine of Kshs. 20,000/= in default six (6) months imprisonment.

The Applicant has served a substantial part of this sentence.

4. 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 Kamara Chief's Camp.

5. 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 Kamara Chief's Camp for a period of six months.

6. The terms will be explained to him.

**DATED, SIGNED AND DELIVERED AT NAKURU THIS 23<sup>RD</sup> DAY OF APRIL, 2024.**

**H. M. NYAGA**

**JUDGE**

In the presence of;

C/A Kipsugut

N/A for state

