



**Mwakoma v Republic (Criminal Revision E225 of 2023)
[2024] KEHC 9033 (KLR) (24 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 9033 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VOI
CRIMINAL REVISION E225 OF 2023
GMA DULU, J
JUNE 24, 2024**

BETWEEN

SIMON MWAKOMA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This is a request for review of prison sentence on the convict Simon Mwakoma who was initially imprisoned for eight (8) years for manslaughter by the trial court in Wundanyi SRM Criminal Case no . 598 of 2018.
2. I have now been availed a sentence review report signed on 2nd January 2024 by David M. Gakuru – Probation Officer Voi in which it is noted that the family, local administration, and secondary victims are not opposed to sentence review, but that the convict needs to undergo thorough medical check up with a view to have inpatient treatment before sentence is reviewed.
3. On their part, Mr. Sirima on behalf of the Director of Public Prosecutions informed the court that the convict was due for release in just seven (7) months from May 2024 and that the family members were present in court and wished to commit themselves, and asked for directions from this court in the matter.
4. In my view, due to the short unserved prison sentence period, and the fact that the convict is of unsound mind, it is more practical and prudent and in the interests of both the convict the family members and the wider community, that he serves the remainder of his prison term in custody.
5. In the meantime, the prison authorities in liaison with the government medical personnel should guide, train, and sensitize the family members on how to handle the convict after his release from prison custody.



6. I thus the convict to serve his prison sentence subject to paragraph 5 above.

DATED, SIGNED AND DELIVERED THIS 24TH DAY OF JUNE 2024 IN OPEN COURT AT VOI.

GEORGE DULU

JUDGE

In the presence of:-

Alfred/Trizah – Court Assistants

Applicant in person

Mr. Sirima for State

