



**Analo v Republic (Criminal Revision 128 of 2024)
[2024] KEHC 9898 (KLR) (30 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 9898 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 128 OF 2024
DR KAVEDZA, J
JULY 30, 2024**

BETWEEN

WILLIS STANLEY ANALO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This file was brought before me for the decongestion exercise pursuant to the Chief Justice’s memo dated 7/12/2022, which provides that inmates who are serving three (3) years imprisonment or less, or those serving long sentences but have a balance of three (3) years or less may be considered for non-custodial sentences.
2. I have gone through the file and noted that applicant was convicted by the trial court for the offence of breaking into a building and committing a felony contrary to section 306(a) of the Penal Code. He was sentenced to a pay a fine of Kshs. 100,000/= in default to serve three years imprisonment. He later filed for revision at the High court. Vide a ruling dated 27th November 2023, I substituted the sentence of paying a fine with an imprisonment sentence of three years, to run from the date of conviction, 07/09/2023. In total, the applicant has been in custody for over ten months, as at the date of this ruling.
3. A probation report was filed with respect to the applicant. According to the said report, while the inmate is open and positive about a non-custodial sentence, his family members who were interviewed were not receptive of the idea since he has not been of good character to them. Particularly, the applicant’s wife stated that before his arrest, they were not in good terms and that he would often physically abuse her. The wife further stated that while in prison, the applicant has been calling her and threatening to kill her and their two children. The probation report concluded that the applicant was not suitable for a non-custodial sentence.



4. In line with the findings in the above report, it is my view that the applicant is not suitable to serve a non-custodial sentence. I therefore decline to release him under the decongestion exercise. The applicant shall serve his sentence to completion.
5. Additionally, considering the threats made by the applicant towards his wife and their children, I hereby direct the prison administration, in conjunction with the probation officers, to take all necessary measures to ensure the safety and protection of the applicant's wife and children, both during the applicant's incarceration and after his release. The probation officers are further directed to monitor the applicant's behaviour closely, particularly with regard to any contact with his family, and to report any concerns to the appropriate authorities without delay.
6. Orders accordingly.
7. File closed.

RULING DELIVERED THIS 30TH DAY OF JULY 2024.

D. KAVEDZA

JUDGE

