



**Kiama v Republic (Criminal Revision 65 of 2024)
[2024] KEHC 9118 (KLR) (30 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 9118 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 65 OF 2024**

**DR KAVEDZA, J
JULY 30, 2024**

BETWEEN

JOHNSON MWANGI KIAMA 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. The applicant was charged and convicted for the offence of robbery with violence contrary to section 295 as read with 296(2) of the *Penal Code*, Cap 63 Laws of Kenya. He was sentenced to death. On appeal and resentencing, the sentence was reduced to twenty (20) years imprisonment to run from the date of arrest.
3. The probation report brought to court indicates that the applicant has served eleven (11) years and eight (8) months. The probation report was also favourable. Additionally, the report indicates that the applicant is remorseful, has been rehabilitated and prays that he be granted on a community service order. The report recommended that the applicant be granted a non-custodial sentence to help in his reintegration back into society.
4. As for his conduct in prison, the applicant has attended a number of trainings and counselling sessions, which have been instrumental in his rehabilitation process. The applicant’s family is also committed to helping him effectively rehabilitate and ensure successful reintegration into the community.
5. In view of the foregoing, it is my finding that the applicant is eligible for early release. I therefore find the time served as adequate sentence under the circumstances.



6. The applicant is released forthwith unless otherwise lawfully held. The applicant is directed to report to the area chief for reintegration.

Orders accordingly.

RULING DATED AND DELIVERED VIRTUALLY THIS 30TH DAY OF JULY 2024.

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D. KAVEDZA

JUDGE

