



**Muhinze v Republic (Criminal Revision 129 of 2024)  
[2024] KEHC 9180 (KLR) (30 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 9180 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
CRIMINAL REVISION 129 OF 2024**

**DR KAVEDZA, J**

**JULY 30, 2024**

**BETWEEN**

**CLINTON AMAMU MUHINZE ..... 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. 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, the applicant has been receptive to rehabilitation while in prison and he is remorseful about committing the offence. The findings in the probation report are in favour of the applicant and I accordingly find that he is eligible for a non-custodial sentence.
  4. I therefore set aside the sentence of a fine of Kshs 100,000/= in default to serve three (3) years imprisonment, and order that the applicant be placed on community service for twelve (12) months at Kawangware Primary School, under the supervision of the probation officer, Kibera Sub-county.
  5. File closed.
- Orders accordingly.



**RULING DELIVERED THIS 30<sup>TH</sup> DAY OF JULY 2024.**

**D. KAVEDZA**

.....

**JUDGE**

I certify that this is a true copy of the original

Signed

**DEPUTY REGISTRAR**

