



**Gatembu v Republic (Miscellaneous Criminal Application  
41 of 2023) [2024] KEHC 9109 (KLR) (29 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 9109 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
MISCELLANEOUS CRIMINAL APPLICATION 41 OF 2023**

**DR KAVEDZA, J**

**JULY 29, 2024**

**BETWEEN**

**JOHN KURIA GATEMBU ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant was charged and after a full trial convicted for the offence of robbery with violence contrary to section 296(2) of the *Penal Code*. He was sentenced to death. His appeal to this court and the Court of Appeal was dismissed *vide* Nairobi Criminal Appeal No. 1110 of 1998 and Criminal Appeal No. 25 of 2000 respectively. The applicant is now serving a life sentence.
2. He filed the present application seeking revision of sentence. He contends that he has been in custody for 27 years during which time, he has undergone rehabilitation. He has been of good conduct during his incarceration. He has acquired to enable him earn a living upon his released.
3. The probation report brought to court indicates that the applicant has served twenty-seven (27) years. The probation report was also favourable. Additionally, the report indicates that the applicant is remorseful, has been rehabilitated and prays that he be granted early release to help in his reintegration back into society. 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.
4. 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.
5. The applicant is released forthwith unless otherwise lawfully held. The applicant is directed to report to the Probation Officer for reintegration.



Orders accordingly.

**RULING DATED AND DELIVERED VIRTUALLY THIS 29<sup>TH</sup> DAY OF JULY 2024.**

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**D. KAVEDZA**

**JUDGE**

