



**Mutsutsu v Republic (Criminal Revision 85 of 2024)
[2024] KEHC 9117 (KLR) (29 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 9117 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 85 OF 2024**

**DR KAVEDZA, J
JULY 29, 2024**

BETWEEN

MARK MUTSUTSU 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 sentenced to serve 10 year’s imprisonment for the offense of committing an indecent act with a child.
3. I further note that the applicant was in remand custody throughout the trial. In total, he has been in custody for over 8 years and six months.
4. In line with the above Chief Justice’s memo, I issued directions on 15/04/2024 requiring the probation officer to prepare a report on the suitability of the applicant to serve a non-custodial sentence.
5. According to the report filed in court on 26th July 2024, the applicant expressed his desire not to be interviewed. He further indicated on two different occasions that he is content with completing his sentence on 09/11/2024, as per the prison records.
6. In view of the foregoing, the applicant shall continue to serve his sentence to completion.
7. File closed.

Orders accordingly.



RULING DELIVERED THIS 29TH DAY OF JULY 2024.

D. KAVEDZA

JUDGE

