



**Swai v Republic (Criminal Revision 78 of 2023)
[2024] KEHC 9832 (KLR) (29 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 9832 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 78 OF 2023**

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

BETWEEN

JACKLINE AHIMIDIWE SWAI 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 trafficking in Narcotic Drugs Contrary to Section 4(a) of the *Narcotic Drugs and Psychotropic Substances (Control) Act* No. 4 of 1994. She was sentenced to serve eleven (11) years imprisonment. The sentence was reduced to eight (8) years and eight (8) months on appeal. She currently has two years and four months left to serve.
3. She filed the present application seeking revision of sentence. The grounds raised are that she is remorseful, she is the sole breadwinner in a family of three children. She urged the court to find the time served as appropriate sentence.
4. From the record, the applicant has a balance of two years and four months in her sentence. The prison report on record indicates that the applicant remorseful and has been rehabilitated. As for her conduct in prison, the applicant has attended a number of trainings and counselling sessions, which have been instrumental in her rehabilitation process.
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.

Orders accordingly.

RULING DATED AND DELIVERED VIRTUALLY THIS 29TH DAY OF JULY 2024.

D. KAVEDZA

JUDGE

