



**Musyoki v Republic (Criminal Revision 211 of 2024)
[2024] KEHC 11569 (KLR) (30 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 11569 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 211 OF 2024
DR KAVEDZA, J
SEPTEMBER 30, 2024**

BETWEEN

ONSESMUS MUSYOKI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This file was opened for purposes of considering whether the convict Onesmus Musyoki is suitable for consideration of his sentence review in the spirit of prison decongestion pursuant to the Chief Justice Memo dated 7th December 2022.
2. The applicant was convicted for the offence of defilement contrary to section 8(1) as read with 8(3) of the *Sexual Offences Act*, No. 3 of 2006. He was sentenced to serve ten (10) years imprisonment.
3. According to the Recommendation Report from prison dated 8th August 2024, the Applicant has been of good behaviour since his admission to prison. The Probation Report filed in court indicates that the applicant has been receptive to Rehabilitation programs while in prison. Additionally, the report indicates that the applicant is remorseful.
4. The probation report availed in court indicates that the applicant has only served 2 years of the ten-year sentence. Consequently, he does not meet the criteria for early release.
5. For the foregoing reason the application for early release is dismissed.

It is so ordered.

RULING DELIVERED VIRTUALLY THIS DAY 30TH DAY OF SEPTEMBER 2024.

D. KAVEDZA



JUDGE

