



**Monayo v Republic (Miscellaneous Criminal Application  
E056 of 2024) [2024] KEHC 13904 (KLR) (31 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 13904 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAMIRA  
MISCELLANEOUS CRIMINAL APPLICATION E056 OF 2024**

**WA OKWANY, J  
OCTOBER 31, 2024**

**BETWEEN**

**BENSON NYANGOTO MONAYO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant herein, Benson Nyangoti Monayo was convicted for the offence of impersonation of a police officer and sentenced to serve four (4) years imprisonment.
2. He filed the Application dated 26<sup>th</sup> June 2024 seeking a review of his imprisonment sentence to a non-custodial sentence on the basis that he is seriously ill and has been in and out of hospital.
3. At the hearing of the application, Mr. Chirchir, Learned Counsel for the State indicated that he was not opposed to the application and that the Applicant’s application could be allowed on humanitarian basis due to his ill health.
4. I have considered the application together with the supporting affidavit and annexures. I note that the Applicant’s medical records indicate that he suffers from acute urinary retention and has been fitted with a catheter to enable him pass urine. I also note that the Applicant has been in prison since 20<sup>th</sup> November 2023 which means that he has served at least one (1) year out of his 4 years’ imprisonment period. I am of the view that the period that he has spent in custody is sufficient punishment for his offence and that his continued stay in custody will not serve any useful purpose. Suffice to say that his life may be in great jeopardy if he continues to stay in prison.
5. It is for the above reasons that I hereby review the Applicant’s sentence by setting aside the four (4) years imprisonment and substituting it with the period that the Applicant has so far served in custody. I direct that the Applicant be set at liberty forthwith unless he is otherwise lawfully held.



6. It is so ordered.

**RULING DATED, SIGNED AND DELIVERED VIRTUALLY AT NYAMIRA VIA MICROSOFT  
TEAMS THIS 31<sup>ST</sup> DAY OF OCTOBER 2024.**

**W. A. OKWANY**

**JUDGE**

