



REPUBLIC OF KENYA



**Kirui v Republic (Revision Case 189 of 2022)
[2023] KEHC 2530 (KLR) (28 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2530 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE 189 OF 2022
HM NYAGA, J
MARCH 28, 2023**

BETWEEN

WESLEY KIPKOECH KIRUI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant Wesley Kipkoech Kirui was convicted on his own plea of guilty for the offence of Arson contrary to Section 332 (a) of the [Penal Code](#) and sentenced to serve two and a half (2 ½) years imprisonment on February 11, 2022. He has served about 1 year 1 month in prison. The total value of the destroyed property being 50 fencing Post and 10 pine trees is Kshs 190,000/=.
2. In the Sentence Review Report filed on March 1, 2023, the Community Service Officer, Salim AG recommends community service.
3. According to the said Sentence report, the convict is 21 years old and has no previous Criminal Records. He dropped out of school in Class seven. He has engaged in Shamba operations while in prison. He is remorseful and pleads for leniency.
4. With a view to decongest prison, I am of the view that this Court should invoke its unfettered discretion.
5. I therefore order that the Convict/Applicant be released from prison forthwith and be placed on Community Service at Kapkures Assistant County Commissioner's office for the remaining period of his sentence. He shall be closely supervised by the Chief, Kapkures location who shall ensure the convict religiously performs any assigned community service to his satisfaction and weekly reports made to the Probation Officer, Nakuru who shall monitor the behaviour of the convict for the remainder of the sentence.



6. The applicant is, as required, made aware that in the event of a breach, the CSO order shall be revoked and he shall be returned to prison to serve the entire prison term imposed and not served.
7. File closed.

DATED, SIGNED & DELIVERED AT NAKURU THIS 28TH MARCH, 2023.

H.M. NYAGA

JUDGE

In the presence of:

C/A Jeniffer

Ms Murunga for state

Applicant present

