



REPUBLIC OF KENYA



**Amunga v Republic (Criminal Revision E639 of 2022)
[2023] KEHC 3752 (KLR) (27 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3752 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL REVISION E639 OF 2022
HM NYAGA, J
APRIL 27, 2023**

BETWEEN

EMMANUEL WAFULA AMUNGA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant Emmanuel Wafula Amunga was convicted on his own plea of guilty for the offence of Sabotage contrary to section 343 of the [Penal Code](#) and stealing things forming part of railway Contrary to section 279(d) of the [Penal Code](#).
2. He was sentenced to serve 5 years' imprisonment on each count which were to run concurrently on April 7, 2021.
3. The Sentence Review Report filed on February 1, 2023, the community service officer, Murithi Kiraithe recommends community service.
4. According to the said Sentence report, the prison officers state that the applicant has been conducting himself well and has enrolled in carpentry and building grade 3 course. He is remorseful.
5. With a view to decongest prison, I am of the view that this Court should invoke its unfettered discretion.
6. I therefore order that the convict/applicant be released from prison forthwith and be placed on community service at Gilgil hospital for the remaining period of his sentence. He shall be closely supervised by the Chief, Gilgil 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.



7. 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.
8. File closed.

DATED, SIGNED & DELIVERED AT NAKURU THIS 27TH APRIL, 2023.

H.M. NYAGA

JUDGE

In the presence of:

C/A Jeniffer

Ms Murunga for state

Applicant present

