



**Alithi v Republic (Revision Case E161 of 2023)
[2023] KEHC 22072 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22072 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E161 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

VINCENT LUKUNGU ALITHI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This matter has been brought to me under the prisons decongestion exercise being undertaken by this court.
2. The applicant Vincent Lukungu Alithi aka Kungu was convicted for the offence of breaking into a building and committing a felony contrary to section 306 (a) of the [Penal Code](#) and sentenced to serve 18 months' imprisonment on January 24, 2023 He has so far served about 7 months in prison.
3. In the sentence review report filed on July 28, 2023 the probation officer, Kirugi Michael recommends probation sentence for the remaining period of 6 months.
4. According to the said report the convict had relocated from Kakamega to Nakuru 3 weeks prior to his arrest to live with his cousin Andrew. He states that his cousin habitually brought items home that he suspected to be stolen then changed residences when police started searching for him leaving the applicant innocently to take the blame. He is a casual worker and a first time offender. He intends to go back home to Kakamega upon his release. His family is ready and willing to accept him back. The Applicant has worked on his anger towards his cousin for making him serve a jail sentence on his behalf. He is remorseful and is willing to serve a non- custodial sentence.
5. In light of the above and with the view to decongest the prison I hereby exercise judicial discretion and revise the remainder of the prison sentence and order for the release of the convict, Vincent Lukungu Alithi, from prison. He is to serve a probation sentence for the remaining period of 6 months forthwith, unless otherwise lawfully held.



6. File closed.

DATED, SIGNED AND DELIVERED AT NAKURU ON 22ND AUGUST 2023.

H.M. NYAGA

JUDGE

In the presence of:

C/A Jeniffer

Ms Murunga for state

Applicant

