



REPUBLIC OF KENYA



**Asowa alias Wangu v Republic (Revision Case E076 of 2023)
[2023] KEHC 22052 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22052 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E076 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

ABEL SHIKOTE ASOWA ALIAS WANGU APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This matter has been brought to me under the Prison Decongestion Exercise been undertaken by this court.
2. The Applicant, Abel Shikote Asowa was convicted for the offence of assault causing actual bodily harm contrary to section 251 of the *Penal Code* and sentenced to serve 2 years' imprisonment on March 16, 2023.
3. He has so far served about 6 months in prison.
4. According to the Sentence Review Report filed on August 2, 2023, the Community Service Officer, Douglas Mwiraria, recommends Community Service at Chandera Chief's Camp for the remainder of his sentence.
5. The report further states that the convict, upon release from prison, plans to go back and live with his wife who will provide food, shelter and clothing for him till he becomes stable and finds a job
6. The report states that the convict did not undergo any formal training while in prison; has received counselling geared towards general behavioural change and the prison authorities vouched for his release stating that he has portrayed a positive change. The applicant is remorseful and very apologetic for his actions and is willing and ready for a non-custodial sentence if considered.



7. In light of the above and with the view to decongest the prison, I hereby exercise judicial discretion and suspend the prison sentence and order that the convict serve the remainder of the sentence at Chandra Chief's Camp.

8. File closed.

DATED, SIGNED & DELIVERED AT NAKURU THIS 22ND AUGUST, 2023.

H. M. NYAGA

JUDGE

In the presence of:

C/A Jeniffer

Ms Murunga for state

Applicant

