



REPUBLIC OF KENYA



**Ayuka v Republic (Revision Case E023 of 2023)
[2023] KEHC 22120 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22120 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E023 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

VINCENT AYUKA 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 Ayuka was convicted for the offence of house breaking contrary to section 304 (1)(b) and stealing contrary to section 279 (b) of the [Penal Code](#) and sentenced to serve 9 months' imprisonment on March 10, 2023.
3. He has so far served about 5 months in prison.
4. In the sentence review report filed on August 2, 2023 the Community Service Officer, Kevin Kariuki recommends community service.
5. According to the said report the convict is a form 3 dropout who was a hotel attendant in Molo prior to his arrest. He is still single. His family are ready to welcome him back and visit him regularly in prison. The prison officers state that he has been conducting himself well, he has been attached to the kitchen department and has attended a cookery class while in custody. He has also taken part in guidance and counselling. The applicant is remorseful and is willing to serve a non- custodial sentence.
6. In light of the above and with the view to decongest the prison, I hereby exercise judicial discretion and order the convict/applicant be released from prison forthwith and be placed on community service at Turi Secondary School for the remainder of his sentence.

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



H.M. NYAGA
JUDGE

