



REPUBLIC OF KENYA



KENYA LAW
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**Chepkwony v Republic (Revision Case E069 of 2023)
[2023] KEHC 22023 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22023 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E069 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

HILLARY BOSUBEN CHEPKWONY 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, Hillary Bosuben Chepkwony was convicted for the offence of being in possession of cannabis contrary to section 3 (1) (a) as read with section 3 (2) (b) of the [Narcotics Drugs and Psychotropic Substance Control Act](#) and sentenced to serve 12 months' imprisonment on January 19, 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, Antony Kihato recommends Community Service at Kiptororo 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 sister in Kuresoi who will provide him with shelter, food and clothing till such a time when he will find some work to do.
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 area chief confirmed his knowledge of the inmate and believes that he has learnt from his mistakes hence can be released to complete his term on



non-custodial sentence. 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 to review the prison sentence and order that the convict, Hillary Bosuben Chepkwony serve community service at Kiptororo Chief's Camp for the remainder of the sentence.
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

