



**Cheruiyot v Republic (Revision Case E068 of 2023)
[2023] KEHC 22117 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22117 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E068 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

SAMMY CHERUIYOT 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 Sammy Cheruiyot was convicted for the offence of Being in Possession of Alcoholic Drinks That Do Not Conform with The Requirements of the *Alcoholic Drinks Act* contrary to Section 27 (4) of the *Alcoholic Drinks Act* No 4 of 2010 and sentenced to serve 2 years' imprisonment on February 9, 2023.
3. He has so far served about 6 months in prison.
4. In the Sentence Review Report filed on August 2, 2023 the Probation Officer, Newton Majale recommends community service.
5. According to the said Report the convict is a primary school dropout and engaged in farming prior to his arrest. He is married with four children and intends to go back home and live with his family who will help him settle down. He committed the offence due to hard economic times. He enjoyed a good relationship with his family and has continued to communicate with them during his sentence via phone calls. The area chief, who is the complainant on behalf of the state believes the inmate has reformed and has no obligation to his release on a non- custodial sentence. The Applicant is remorseful and is willing to serve a non- custodial sentence.
6. I am satisfied that there are signs that the convict has reformed.



7. 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 Kipsirchet Chief's Office under the supervision of the office in charge for the remainder of his sentence.

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

H.M. NYAGA

JUDGE

In the presence of:

Ms Murunga for state

Applicant

