



**Chirchir v Republic (Revision Case E038 of 2023)
[2023] KEHC 22075 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22075 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E038 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

REUBEN CHIRCHIR 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, Reuben Chirchir was convicted for the offence of cutting and removing forest produce contrary to section 64 (1) (a) as read with section 64 (2) of the *forest Conservation and Management Act* and sentenced to pay a fine of Kshs 40,000 and in default, serve 6 months' imprisonment on April 12, 2023.
3. He has so far served about 5 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 Kimologit Chief's Camp for the remainder of his sentence.
5. The report states that the inmate did not undergo any formal training but attends bible study and has received counselling geared towards general behavioural change and the prison authorities vouched for his release stating that he has portrayed a positive change.
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 Kimologit Chief's Camp under the supervision of the school's duty officer for the remainder of his sentence.



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

H.M. NYAGA

JUDGE

