



**James v Republic (Revision Case E168 of 2023)  
[2023] KEHC 22135 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22135 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
REVISION CASE E168 OF 2023  
HM NYAGA, J  
AUGUST 22, 2023**

**BETWEEN**

**SAMSON NYABUTO JAMES ..... 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, Samson Nyabuto James was convicted for the offence of breaking into a building and committing a felony contrary to section 306 (a) of the *Penal Code* and sentenced to 3 years' imprisonment on February 27, 2023.
3. He has so far served about 7 months in prison.
4. According to the Sentence Review Report filed on August 3, 2023, the Probation Officer, Salim A G, recommends Community Service at Nakuru County Probation Office for one year.
5. The report further states that the inmate is a form 2 dropout and hails from a humble background where the family engages in subsistence farming and animal keeping. The parents are willing to support the convict's alternative rehabilitation if offered the chance.
6. The convict has been engaged in the building and construction section while in prison and regrets the commission of the offence and pleads for leniency.
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 Nakuru County Probation office for 12 months. He shall be closely supervised by the Chief, Mawanga location who shall ensure the convict religiously performs any assigned community service



to his satisfaction and weekly reports made to the Probation Officer, Nakuru who shall monitor the behaviour of the convict for the remainder of the sentence.

8. The applicant is, as required, made aware that in the event of a breach, the CSO order shall be revoked and he shall be returned to prison to serve the entire prison term imposed and not served.

9. File closed.

**DATED, SIGNED & DELIVERED AT NAKURU THIS 22<sup>ND</sup> AUGUST, 2023.**

**H.M. NYAGA**

**JUDGE**

