



REPUBLIC OF KENYA



**KENYA LAW**  
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**Kariuki v Republic (Revision Case E165 of 2023)  
[2023] KEHC 22016 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22016 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
REVISION CASE E165 OF 2023  
HM NYAGA, J  
AUGUST 22, 2023**

**BETWEEN**

**JAMES KANYI KARIUKI ..... 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, James Kanyi Kariuki was convicted for the offence of creating disturbance in a manner likely to cause a breach of peace contrary to section 95 (1) (b) of the *penal code* and sentenced to serve 6 months' imprisonment on 5<sup>th</sup> June 2023.
3. He has so far served about 3 months in prison.
4. According to the Sentence Review Report filed on 28<sup>th</sup> July 2023, the Probation Officer, Elizabeth Kwamboka, recommends that the convict is not suitable for non-custodial sentence as the community is against it.
5. The report states that the inmate has been a nuisance to the family and with a wanting character associated with truancy, violence and drunkenness hence a problem with his immediate relatives. The family of the inmate is against non-custodial sentence as he had been previously charged thrice with the similar offence.
6. In light of the above report, the Applicant should continue serving the remainder of his sentence in custody.
7. File closed.



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

**H.M. NYAGA**

**JUDGE**

