



**Kibet v Republic (Revision Case E030 of 2023)
[2023] KEHC 22071 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22071 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E030 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

KENNEDY KIBET 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, Kennedy Kibet was convicted for the offence of entering a building and committing a felony contrary to section 306 (a) of the [Penal Code](#) and sentenced to serve 1-year imprisonment on April 20, 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 Probation Officer, Miriam Ngochoi, the inmate has not made progress in acquiring a skill in order to enable him earn a living in a lawful means, his immediate community is not ready to receive him and thus is not recommended for community service.
5. The report further states that the inmate is a class 5 drop out who had worked as a herdsman in various areas. The inmate is a habitual thief and has been taken through the criminal justice process on several occasions. His safety was secured upon his arrest and imprisonment.
6. The inmate has not undergone any kind of counselling hence no skill acquired. He is attached to the Molo Law Courts where he performs general cleanliness duties at the court premises. The Complainant in the case was the inmate's uncle and has since forgiven him and is not against his



immediate release. Additionally, the area chief believes that he has reformed and can be released to serve the remainder of his sentence in non-custodial sentence.

7. In light of the above and having taken into consideration, the prison assessment, the inmate's rehabilitation and re-integration, I hereby order the continuance of the inmate, Kennedy Kibet's, custodial sentence until completion.
8. File closed.

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

H.M. NYAGA

JUDGE

