



**Kimani v Republic (Revision Case E060 of 2023)
[2023] KEHC 22080 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22080 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E060 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

ZACHARIA GITAU KIMANI 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 Zachariah Gitau Kimani was convicted for the offence of Malicious Damage to Property contrary to section 339 (1) of the [Penal Code](#) as well as Stealing contrary to section 268 as read with section 275 of the [Penal Code](#) and sentenced to serve 6 months imprisonment on May 16, 2023.
3. He has so far served about 3 months in prison.
4. In the Sentence Review Report filed on August 2, 2023 the Community Service Officer, N.O. Nancy recommends community service.
5. According to the said report the convict is separated from his wife with whom they have two issues who are both in her custody. The prison officers alluded that he has been of good conduct and the convict states that he underwent counselling geared towards behavioural change. There is no current person to confirm the home environment. The applicant is remorseful and is willing to serve a non-custodial sentence.
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 Roman Catholic Primary School for the remainder of his sentence.

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



H.M. NYAGA

JUDGE

In the presence of:

C/A Jeniffer

Ms Murunga for state

Applicant

