



REPUBLIC OF KENYA



**Kimani v Republic (Revision Case E066 of 2023)  
[2023] KEHC 22077 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22077 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
REVISION CASE E066 OF 2023  
HM NYAGA, J  
AUGUST 22, 2023**

**BETWEEN**

**REUBEN NYAGU 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 Reuben Nyagu Kimani was convicted for the offence of Stealing contrary to Section 268 as read with 275 of the *Penal Code* and sentenced to serve 1 year imprisonment on 6<sup>th</sup> June 2023.
3. He has so far served about 2 months in prison.
4. In the Sentence Review Report filed on 2<sup>nd</sup> August 2023 the Community Service Officer, Kevin Kariuki recommends community service.
5. According to the said Report the convict is a class 3 dropout and used to do casual jobs ferrying water before he was incarcerated. Nobody has visited him while in prison. The prison officers say he has been conducting himself well and has taken part in farm duties while serving his sentence. 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 Michinda Primary School for the remainder of his sentence.

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

**H.M. NYAGA**



**JUDGE**

**In the presence of:**

C/A Jeniffer

Ms Murunga for state

Applicant

