



**Kinyanjui v Republic (Revision Case E065 of 2023)
[2023] KEHC 22026 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22026 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E065 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

JOHN WARARI KINYANJUI 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, John Warari Kinyanjui was convicted for the offence of house breaking contrary to section 304 (1) (b) and stealing contrary to section 279 (b) of the Penal Code and sentenced to serve 1-year imprisonment on March 15, 2023.
3. He has so far served about 7 months in prison.
4. According to the Sentence Review Report filed on August 2, 2023, the Probation Officer, Miria Jerop Ngochoi, recommends Community Service at Elburgon Police Station for the remainder of his sentence.
5. The report further states that the inmate is a class 4 dropout and engages in small businesses i.e. sale of assorted items. His wife and family are ready to provide for him during resettlement and reintegration in Elburgon Township for fear of stigma in Molo Township.
6. The report states that the convict did not undergo any formal training while in prison; has received counselling geared towards general behavioural change and the prison authorities vouched for his release stating that he has portrayed a positive change. The church leadership indicated that they were not able to recover their stolen items and prayed that the inmate has learnt a lesson. They further indicated that they have forgiven him. He owned a motorcycle which he intends to operate as bodaboda



to earn a living. The applicant is remorseful and very apologetic for his actions and is willing and ready for a non-custodial sentence if considered.

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 Elburgon Police Station for the remainder of his sentence.
8. File closed.

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

