



REPUBLIC OF KENYA



**Kipkorir v Republic (Revision Case E073 of 2023)  
[2023] KEHC 22131 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22131 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
REVISION CASE E073 OF 2023  
HM NYAGA, J  
AUGUST 22, 2023**

**BETWEEN**

**THOMAS KIPKORIR ..... 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, Thomas Kipkorir was convicted for the offence of assault causing actual bodily harm contrary to section 251 of the [Penal Code](#) and sentenced to serve 1 years' imprisonment on April 11, 2023. He has so far served about 5 months in prison.
3. According to the Sentence Review Report filed on August 2, 2023, the Community Service Officer, Antony Kihato recommends Community Service at Karima Primary School for the remainder of his sentence.
4. The report further states that the convict, upon release from prison, plans to go back and live with his father. He will provide for himself since he has some masonry skills that he had acquired prior to his arrest.
5. 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 applicant is remorseful and very apologetic for his actions and is willing and ready for a non-custodial sentence if considered.



6. In light of the above and with the view to decongest the prison, I hereby exercise judicial discretion to review the prison sentence and order that the convict, Thomas Kipkorir serve community service at Karima Primary School for the remainder of the sentence.

7. File closed.

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

**H.M. NYAGA**

**JUDGE**

In the presence of:

C/A Jeniffer

Ms Murunga for state

Applicant

