



REPUBLIC OF KENYA



**Kipkurui v Republic (Revision Case E041 of 2023)
[2023] KEHC 22124 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22124 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E041 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

RICHARD KIPKURUI 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, Richard Kipkurui was convicted for the offence of Preparation to commit a felony contrary to section 308 (2) of the [Penal Code](#) and sentenced to pay a fine of Kshs. 20,000 and in default, serve 6 months' imprisonment on 25th May 2023.
3. He has so far served about 2 months in prison.
4. According to the Sentence Review Report filed on 2nd August 2023, the Community Service Officer, Kevin Kariuki recommends Community Service at the Chemaner Chief's Camp for the remainder of his sentence.
5. The report further states that the convict was engaged in hotel work prior to his incarceration and hopes to go back to the same when released, additionally, his wife has been visiting him in prison.
6. The report states that the C.S.O was informed by the prison officers that he has been conducting himself well in prison and has since been deployed to Nakuru Level 5 hospital where does cleaning, as well as received guidance and counselling.
7. The applicant is remorseful and very apologetic for his actions and is willing and ready for a non-custodial sentence if considered.



8. 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, Richard Kipkurui serve community service at Chemaner Chief's Camp for the remainder of the sentence.

9. File closed.

DATED, SIGNED & DELIVERED AT NAKURU THIS 22ND AUGUST, 2023.

H.M. NYAGA

JUDGE

In the presence of:

C/A Jeniffer

Ms Murunga for state

Applicant

