



REPUBLIC OF KENYA



**Kipkurui v Republic (Revision Case E056 of 2023)
[2023] KEHC 22034 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22034 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E056 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

DENNIS KOECH KIPKURUI 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 Dennis Koech Kipkurui was convicted for the offence of Store Breaking a committing a felony contrary to section 306 (a) of the Penal Code and Stealing contrary to section 268 as read with section 275 of the *Penal Code*. He was sentenced to serve 6 months imprisonment on April 12, 2023.
3. He has so far served about 4 months in prison.
4. In the Sentence Review Report filed on August 2, 2023 the Community Service Officer, Julia Isomi recommends community service.
5. According to the said Report the convict is a form 2 dropout. He claims to have committed the crime in order to support his child. He intends to go back home and live with his mother and take part in farming to sustain himself upon his release. His family is ready to welcome him and be a part of his reintegration process. While in prison, he acquired farming skills. 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 suspend the remainder of the prison sentence and order for the release of the convict Dennis Koech Kipkurui from prison to perform community service at Chief's Camp for the remainder of his sentence forthwith unless otherwise lawfully held.



7. 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

