



REPUBLIC OF KENYA



**Kiptanui v Republic (Revision Case E079 of 2023)
[2023] KEHC 22063 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22063 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E079 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

NOAH KIPTANUI 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, Noah Kiptanui was convicted for the offence of malicious damage to property contrary to section 339 (1) of the Penal Code and sentenced to serve 2 years' imprisonment on April 19, 2023.
3. He has so far served about 4 months in prison and had previously served 1 month in remand custody.
4. According to the Sentence Review Report filed on August 2, 2023, the Community Service Officer, Dorothy Bett recommends Community Service at Tulwet Primary School for the remainder of his sentence.
5. The report further states that the inmate is a class 6 drop-out who before his arrest, engaged in casual farm work to earn a living and plans to go back home upon release and his family is ready to welcome him.
6. The report states that the inmate is attached to the building section and has attained masonry skills which he plans to use upon release to earn a living. He has also received guidance and counselling.
7. 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, Noah Kiptanui serve community service at Tulwet Primary School for the remainder of the sentence.



8. 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

