



**Kirui v Republic (Revision Case E026 of 2023)
[2023] KEHC 22045 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22045 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E026 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

AMOS KIPROTICH KIRUI 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, Amos Kiprotich Kirui was convicted for the offence of stealing contrary to section 268 as well as conspiracy to commit a misdemeanour contrary to section 394 of the [penal code](#) on November 18, 2022.
3. He has so far served about 8 months in prison and had previously served 5 months in remand custody.
4. According to the Sentence Review Report filed on August 2, 2023, the Community Service Officer, Newton Majale, recommends that the inmate be allowed to continue serving his custodial sentence as the community remains uncondusive.
5. The report further states that the inmate studied up to form four and trained in computer literacy before establishing a cyber-business till his time of arrest. He hopes to go home where he will live with his wife who will help him settle down before resuming the business. Additionally, none of his family members have visited him at the prison with sporadic communication via the prison's welfare phone.
6. The inmate has not undergone any kind of counselling hence no skill has been acquired in prison. He is attached to the Nakuru County Teaching and Referral where he performs general cleanliness duties at the court premises. The complainant is still bitter over the whole episode considering the huge amount



of money he lost in the process. He threatens to mobilize community members to attack the inmate should he be granted an early release.

7. The area chief confirmed his knowledge of the inmate citing him as fraudulent with various issues solved locally to no avail. He added that the inmate could take advantage of his computer literacy to commit more cyber related offences which complaints were lodged at the police station and in his office. All efforts employed to curb the menace have proved futile.
8. In light of the above and having taken into consideration, the prison assessment, the inmate's rehabilitation and re-integration, I hereby order the continuance of the inmate, Amos Kiprotich Kirui's, custodial sentence until completion. 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

