



REPUBLIC OF KENYA



KENYA LAW
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**Kitur v Republic (Revision Case E049 of 2023)
[2023] KEHC 22065 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22065 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E049 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

ROBERT KITUR 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, Robert Kitur was convicted for the offence of breaking into a building and committing a felony contrary to section 306 (a) of the [Penal Code](#) and sentenced to pay a fine of Kshs 50,000/= and in default serve 2 years' imprisonment on March 9, 2023.
3. He has so far served about 7 months in prison.
4. According to the Sentence Review Report filed on August 2, 2023, the Community Service Officer, N O Nancy recommends Community Service at Chebara Chief's Camp for the remainder of his sentence.
5. The inmate states that he had been a close friend to one of his co-accused who he says broke into the shop. He states that they normally buy each other alcohol and on the fateful day the first accused called him for a few drinks to which they broke into the complainant's bar who happens to be the employer of the co-accused hence his current tribulations.
6. The officers in Nakuru Main Prison report that he has been of good conduct. He is attached to the sweeping section. However, he has not acquired any new skills during his period in prison but he is a trained driver. The local administration vouches for his release, stating that the home environment is conducive and believes that the inmate has learnt his lesson.



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, Robert Kitur serve community service at Chebara Primary 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

