



REPUBLIC OF KENYA



KENYA LAW
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**Kirui v Republic (Revision Case E067 of 2023)
[2023] KEHC 22115 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22115 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E067 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

ROBERT KIMUTAI KIRUI 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 Robert Kimutai Kirui was convicted for the offence of Assault Causing Actual Bodily Harm contrary to Section 251 of the [Penal Code](#) and sentenced to serve 1 year imprisonment on February 6, 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, Kevin Kariuki recommends community service.
5. According to the said Report the convict is a class 3 dropout and is still single. He intends to take part in farming activities should he go back home. The prison officers say he has been conducting himself well and he was employed to the masonry department while in custody. 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 order the Convict/Applicant be released from prison forthwith and be placed on Community Service at Lelaitich Primary School for the remainder of his sentence.
7. File closed.



DATED, SIGNED AND DELIVERED AT NAKURU ON 22ND AUGUST 2023.

H.M. NYAGA

JUDGE

