



**Koech v Republic (Revision Case E075 of 2023)  
[2023] KEHC 22051 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22051 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
REVISION CASE E075 OF 2023  
HM NYAGA, J  
AUGUST 22, 2023**

**BETWEEN**

**SIMON KOECH ..... 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, Simon Koech was convicted for the offence of cutting and removing forest produce contrary to section 64 (1) (a) as read with 64 (2) and section 68 (1) of the [Forest Management and Conservation Act](#) on May 2, 2023.
3. He has so far served about 4 months in prison out of the 12 months sentence imposed by the court.
4. According to the Sentence Review Report filed on August 2, 2023, the Probation Officer, Miriam Ngochoi, states that in spite of his willingness to perform community service, he has not expressed with certainty where he intends to settle down and as such is not recommended for CSO.
5. The report further states that the inmate studied up to class 8 and ventured into farming for family sustenance. He hopes to go home where he will live with his wife who will help him settle down before getting a job.
6. The inmate has not acquired any skill in prison but has engaged in fam work at the facility and his immediate family is willing to accept him and help his reintegration.
7. In light of the above, I think that this is a convict who has expressed willingness to reform, but the home circumstances are not conducive to perform CSO. The officer compiling the report ought to have explored other avenues of treating him, as he was not a repeat offender.



8. Having taken into consideration the prison assessment, the inmate's projected rehabilitation and re-integration, I find that the convict deserves a second chance in life.
9. Therefore, in exercise of the court's powers and discretion I revise the sentence and order that the convict's remaining sentence shall be served as a suspended sentence under section 15 of the *Criminal Procedure Code*. The terms to be explained to him. He is thus set at liberty unless lawfully held.

**DATED, SIGNED & DELIVERED AT NAKURU THIS 22<sup>ND</sup> AUGUST, 2023.**

**H.M. NYAGA**

**JUDGE**

**In the presence of:**

C/A Jeniffer

Ms Murunga for state

Applicant

