



**Kosgei v Republic (Revision Case E085 of 2023)
[2023] KEHC 22044 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22044 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E085 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

HILLARY KIBET KOSGEI 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 Hillary Kibet Kosgei was convicted for the offence of Arson contrary to Section 332 (a) of the *Penal* and sentenced to serve 18 months imprisonment on 2nd February 2023.
3. He has so far served about 7 months in prison.
4. In the Sentence Review Report filed on 2nd August 2023 the Community Service Officer, N.O. Nancy recommends community service.
5. According to the said Report the convict intends to go back to their family land in Masaita Village on which he has built a home upon release. The home environment is conducive for his return and there is no challenge of accommodation. The inmate has since reconciled with the complainant (his cousin) and they are in good terms. The prison officers vouched for his release stating that he has been of good conduct. The area Local Administrator states that he is not a threat to the community as he has been of good conduct with no cases reported to him. 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 suspend the remainder of the prison sentence and order for the release of the convict Hillary Kibet



Kosgei from prison to perform community service at Barargei Primary School for the remainder of his sentence forthwith unless otherwise lawfully held.

7. 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

