



REPUBLIC OF KENYA



**Maina v Republic (Revision Case E020 of 2023)
[2023] KEHC 22078 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22078 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E020 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

ROBERT MBUGUA MAINA 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 Mbugua Maina was convicted for the offence of house breaking contrary to section 304(1)(a) of the penal code and stealing contrary section 279(b) of the Penal code and sentenced to serve 18 months' imprisonment on 10th November 2022.
3. He has so far served about 10 months in prison.
4. According to the Sentence Review Report filed on 2nd August 2023, the Community Service Officer, Kevin Kariuki, recommends Community Service at Molo Police Station for the remainder of his sentence.
5. The inmate is a form 3 drop out who before his arrest had been engaging in casual work as a construction worker.
6. The report states that the inmate has been deployed as a cleaner while in prison and has been conducting himself well. He is remorseful and willing to serve a non-custodial sentence if considered.
7. 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 Molo Police Station for the remainder of his sentence. He shall be closely supervised by the Chief, Mona/Muiruri location who shall ensure the convict religiously performs any assigned community



service to his satisfaction and weekly reports made to the Probation Officer, Molo who shall monitor the behaviour of the convict for the remainder of the sentence.

8. The applicant is, as required, made aware that in the event of a breach, the CSO order shall be revoked and he shall be returned to prison to serve the entire prison term imposed and not served.

9. 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

