



**Malel v Republic (Revision Case E021 of 2023)
[2023] KEHC 22104 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22104 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E021 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

STEVEN MALEL 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 Steven Malel was convicted for the offence of Arson contrary to section 332 (a) of the [Penal Code](#) and sentenced to serve 2 years imprisonment on May 17, 2023.
3. He has so far served about 3 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 married and has one issue aged 12 years. He intends to go back home to his parents if released. According to the village elder Mr Livingstone, his mother has reconstructed the house and is willing to have him back home after a family conference and a call he made in prison asking for forgiveness. The prison officers vouched for his release stating that he has demonstrated good conduct, he has been deployed as a cleaner while in prison. 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 to review the prison sentence and order that the convict, Steven Malel serve community service at Korao Primary School for the remainder of the sentence.
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

