



**Mbugua v Republic (Revision Case E061 of 2023)
[2023] KEHC 22049 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22049 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E061 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

HILLARY MBUGUA 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, Hillary Mbugua was convicted for the offence of stealing in dwelling house contrary to section 279 (b) of the *Penal Code* and sentenced to serve 2 years' imprisonment on March 1, 2023.
3. He has so far served about 6 months in prison.
4. According to the Sentence Review Report filed on August 2, 2023, the Community Service Officer, Antony Kihato recommends community service at Molo Probation Office for the remainder of his sentence.
5. The report further states that the convict, upon release from prison, plans to go back and live with his wife who will provide food, shelter and clothing for him till he becomes stable and finds a job. He is a chef by profession and intends to start his own eatery joint to support he and his family.
6. The report states that the convict did not undergo any formal training while in prison; has received counselling geared towards general behavioural change and the prison authorities vouched for his release stating that he has portrayed a positive change. In addition to this, he has since sought for forgiveness from the complainant who has forgiven him and is therefore ready to reintegrate into the society. The applicant is remorseful and very apologetic for his actions and is willing and ready for 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 to review the prison sentence and order that the convict, Hillary Mbugua serve community service at Molo Probation Office for the remainder of the sentence.

8. File closed.

DATED, SIGNED & DELIVERED AT NAKURU THIS 22ND AUGUST, 2023.

H.M. NYAGA

JUDGE

