



REPUBLIC OF KENYA



**Mburu v Republic (Revision Case E022 of 2023)
[2023] KEHC 22043 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22043 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E022 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

SAMUEL GATUNDU MBURU 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 Samuel Gatundu Mburu was convicted for the offence of Stealing contrary to section 268 as read with section 275 of the [Penal Code](#) and sentenced to serve 1 year imprisonment on February 16, 2023.
3. He has so far served about 6 months in prison.
4. In the Sentence Review Report filed on August 2, 2023 the Community Service Officer, Dorothy Bett recommends community service.
5. According to the said Report the convict was in form 3 at the time of his arrest. He intends to go back to school upon his release. He has maintained a good relationship with his family while in prison and they are ready to welcome and support him. He is attached to the livestock section and has received guidance and counselling. The Applicant 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 Samuel Gatundu Mburu from prison to perform community service at Kapsita Chief's Camp 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

