



**Mburu v Republic (Revision Case E082 of 2023)
[2023] KEHC 22062 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22062 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E082 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

ZACHARIAH KIMANI MBURU 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, Zacharia Kimani Mburu was convicted for the offence of burglary contrary to section 304 (2) and sentenced to serve 1 and a half years' imprisonment and stealing contrary to section 279(b) of the *Penal Code* and sentenced to serve 1-year imprisonment on December 21, 2022 both sentences were to run concurrently. He has so far served about 8 months in prison.
3. According to the Sentence Review Report filed on August 2, 2023, the Community Service Officer, Julia Isomi, recommends Community Service at Wakaa Chief's Camp for the remainder of his sentence.
4. The report further states that the inmate committed the offence because of alcohol but he claims to have stopped engaging in the vice.
5. While in prison, the inmate has not attained any skills yet, but he was attached to the kitchen section and has also received guidance and counselling. The applicant is remorseful and very apologetic for his actions and is willing and ready for a non-custodial sentence if considered.
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, Zachariah Kimani Mburu serve community service at Wakaa Chief's Camp 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

