



**Mburu v Republic (Revision Case E084 of 2023)
[2023] KEHC 22133 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22133 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E084 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

PATRICK WATHIGO 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, Patrick Wathigo 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.
3. He has so far served about 8 months in prison.
4. 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.
5. The report further states that the family members and local administration want him released saying that they believe he is a changed person.
6. The prison officers termed the inmate to be one of good character and have been counselled accordingly. He is ready and willing to serve a non-custodial sentence if given a chance.
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, Patrick Wathigo Mburu serve community service at Wakaa Chief's Camp for the remainder of the sentence.



8. 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

