



REPUBLIC OF KENYA



**Mutahi v Republic (Revision Case E088 of 2023)
[2023] KEHC 22053 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22053 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E088 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

JACKSON KIPRONO MUTAHI 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, Jackson Kiprono Mutahi was convicted for the offence of breaking into a building and committing a felony contrary to section 306 (a) of the *Penal Code* and sentenced to serve 18 months' imprisonment on May 16, 2023.
3. He has so far served about 3 months in prison and had previously served 2 months in remand custody.
4. According to the Sentence Review Report filed on August 2, 2023, the Community Service Officer, Miriam Ngochoi recommends Community Service at Rongai Chief's Office for the remainder of his sentence.
5. The report further states that the inmate is a class 8 drop out who had ventured into farming for family sustenance, his family is willing to accept him and help in his resettlement so that he can take up the duties as a parent with his ex-wife. The report states that the inmate is assigned duties at the facility's store and has benefitted from counselling, regular supply and intake of his anti-retroviral drugs. He is also remorseful to the offence and is willing to perform community service.
6. In light of the above and with the view to decongest the prison, I hereby exercise judicial discretion and order that the convict be released from prison and that he serves the remainder of the sentence under community service at Rongai Chief's office.



7. File closed.

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

H.M. NYAGA

JUDGE

In the presence of:

Ms Murunga for state

Applicant

