



**Ngetich v Republic (Revision Case E048 of 2023)
[2023] KEHC 22127 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22127 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E048 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

KENNEDY NGETICH 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, Kennedy Ngetich 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 pay a fine of Kshs 50,000/= and in default serve 2 years’ imprisonment on March 9, 2023.
3. He has so far served about 7 months in prison.
4. According to the Sentence Review Report filed on August 2, 2023, the Community Service Officer, Dorothy Bett recommends Community Service at Chebara Chief’s Camp for the remainder of his sentence.
5. The report further states that upon release from prison, he plans to go back and live with his family who will provide food, clothing and shelter to him until he finds a job. 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, Kennedy Ngetich serve community service at Chebara 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

