



**Ng'etich v Republic (Revision Case E051 of 2023)
[2023] KEHC 22083 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22083 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E051 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

DAVIS KIPKOECH NG'ETICH 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 Davis Kipkoech Ng'etich 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 March 23, 2023.
3. He has so far served about 4 months in prison.
4. In the Sentence Review Report filed on August 2, 2023 the Community Service Officer, Antony Kihato recommends community service.
5. According to the said report the convict intends to go back to his parent's house in Chepseon who will provide him with basic needs until he is able to find a job upon his release. The prison officers vouched for his release stating that he has demonstrated a positive change after undergoing counselling geared towards behavioural change. The area chief also vouches for him and believes he is deserving of a non-custodial sentence. He has also contacted the complainant seeking forgiveness, which he was granted.. The applicant is remorseful and 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 Davis Kipkoech



Ng'etich from prison to perform community service at Salгаа Chief's Camp forthwith unless otherwise lawfully held.

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

