



**Njau v Republic (Revision Case E162 of 2023)  
[2023] KEHC 22076 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22076 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
REVISION CASE E162 OF 2023  
HM NYAGA, J  
AUGUST 22, 2023**

**BETWEEN**

**FRANCIS NDUNGU NJAU ..... 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 Francis Ngungu Njau was convicted for the offence of Assault Causing Actual Bodily Harm contrary to section 251 of the [Penal Code](#) and sentenced to serve 6 months imprisonment on May 5, 2023.
3. He has so far served about 3 months in prison.
4. In the Sentence Review Report filed on July 28, 2023 the Community Service Officer, Ondari Lilian recommends community service for a period of three months.
5. According to the said Report the convict performed casual jobs specifically masonry. He is married with two issues who are both at the primary school level. He is a first time offender. While in prison he has been attached at the farm and intends to go back to masonry upon his release. He states that he committed the offence out of anger but has since learnt his lesson. 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 Francis Ndungu Njau from prison to perform community service at Mwariki Police Station for a period of three months forthwith unless otherwise lawfully held.



7. File closed.

**DATED, SIGNED & DELIVERED AT NAKURU THIS 22<sup>ND</sup> AUGUST, 2023.**

**H.M. NYAGA**

**JUDGE**

In the presence of:

Ms Murunga for state

Applicant

