



REPUBLIC OF KENYA



**Ngetich v Republic (Revision Case E064 of 2023)
[2023] KEHC 22073 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22073 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E064 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

VICTOR 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, Victor Ngetich was convicted was convicted for the offence of preparation to commit a felony contrary to section 308 (2) of the [Penal Code](#) and sentenced to pay a fine Kshs 30,000/= and in default to serve 1-year imprisonment on June 7, 2023.
3. He has so far served about 3 months in prison.
4. According to the Sentence Review Report filed on August 2, 2023, the Community Service Officer, Antony Kihato recommends Community Service at Matunda Primary School for the remainder of his sentence.
5. The report further states that the convict, upon release from prison, plans to go back and live with his mother who will provide food, shelter and clothing for him till he becomes stable and finds a job. He intends to go back to boda boda industry where he was a ride prior to his arrest and incarceration.
6. The report states that the convict did not undergo any formal training while in prison but has received counselling geared towards general behavioural change and the prison authorities vouched for his release stating that he has portrayed a positive change. The applicant is remorseful and very apologetic for his actions and is willing and ready for a non-custodial sentence if considered.



7. 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 Matunda Primary School.

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

