



REPUBLIC OF KENYA



**Ngige v Republic (Revision Case E043 of 2023)  
[2023] KEHC 22047 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22047 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
REVISION CASE E043 OF 2023  
HM NYAGA, J  
AUGUST 22, 2023**

**BETWEEN**

**JOHN NGIGE ..... 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, John Ngige was convicted for the offence of threatening to kill contrary to section 223 (1) of the penal code and sentenced to serve 1-year imprisonment on March 13, 2023.
3. He has so far served about 6 months in prison.
4. According to the Sentence Review Report filed on August 2, 2023, the Community Service Officer, Douglas Mwiraria, recommends Community Service at Arimi Primary School for the remainder of his sentence.
5. The inmate states that upon release from prison, he plans to go back and live with his mother and will resume casual labour work in addition to venturing into farming to feed his family.
6. The report states that the inmate did not undergo any formal training but attended bible study and 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 convict is remorseful and pleads for leniency.
7. In light of the above and with the view to decongest the prison, I hereby exercise judicial discretion and order the Convict/Applicant be released from prison forthwith and be placed on Community Service at Arimi Primary School for the remainder of his sentence. He shall be closely supervised by the



school's officer who shall ensure the convict religiously performs any assigned community service to his satisfaction and weekly reports made to the Probation Officer, Molo who shall monitor the behaviour of the convict for the remainder of the sentence.

8. The applicant is, as required, made aware that in the event of a breach, the CSO order shall be revoked and he shall be returned to prison to serve the entire prison term imposed and not served.
9. File closed.

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

**H.M. NYAGA**

**JUDGE**

**In the presence of:**

C/A Jeniffer

Ms Murunga for state

Applicant

