



REPUBLIC OF KENYA



**Njenga v Republic (Revision Case E054 of 2023)  
[2023] KEHC 22103 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22103 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
REVISION CASE E054 OF 2023  
HM NYAGA, J  
AUGUST 22, 2023**

**BETWEEN**

**JAMES NJENGA ..... 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 James Njenga was convicted on his own plea of guilty for the offence of Stealing contrary to Section 268 as read with Section 275 of the *Penal Code* and sentenced to serve 6 months' imprisonment on 20<sup>th</sup> April, 2023.
3. He has so far served about 4 months in prison.
4. In the Sentence Review Report filed on 2<sup>nd</sup> August, 2023 the Probation Officer, Newton Majale recommends community service.
5. According to the said Report the convict is a form four drop out and prior to his arrest he was staying by himself in Molo carrying out various casual jobs to make ends meet. He intends to go back to his home where he will continue to do the same upon his release. The complainant holds no opposition to his early release. The area chief confirmed his knowledge of the matter and believes that the inmate has reformed hence can be granted early release. The Applicant is genuinely remorseful and willing to serve the rest of his sentence on non-custodial sentence.
6. 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 Molo Police Station under the supervision of the officer in charge for the remainder of his sentence.



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

**H.M. NYAGA**

**JUDGE**

