



REPUBLIC OF KENYA



KENYA LAW
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**Njera v Republic (Revision Case E172 of 2023)
[2023] KEHC 22014 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22014 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E172 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

BABU SWALEH NJERA 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, Babu Swaleh Njera was convicted for the offence of trafficking of narcotic drugs contrary to section 4 (c) of the *Narcotic Drugs and Psychotropic Substances Act* and sentenced to serve 3 years' imprisonment on February 17, 2022.
3. He has so far served about 1 year and 7 months in prison.
4. According to the Sentence Review Report filed on August 1, 2023, the Community Service Officer, Samuel Ndung'u recommends community service at Miti Mingi Dispensary 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 parents who will provide food, shelter and clothing for him till he becomes stable and finds a job.
6. The report states that the convict did not undergo any formal training while in prison; 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 Miti Mingi Dispensary.

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

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