



**Njeri v Republic (Revision Case E070 of 2023)
[2023] KEHC 22032 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22032 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E070 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

EUGEN MWAURA NJERI 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 Eugen Mwaura Njeri was convicted for the offence of House Breaking contrary to section 304 (1)(a) of the [Penal Code](#) and sentenced to serve 1 year imprisonment on December 15, 2022.
3. He has so far served about 8 months in prison.
4. In the sentence review report filed on August 2, 2023 the Probation Officer, Miriam Ngochoi recommends community service.
5. According to the said report the convict lived with his mother while attending Poror Secondary School prior to his arrest. His mother is willing to accept him back and help him attain his goals upon his release. The victim is known to him and has no bitterness towards him after his sentencing. The local administration had no reservations regarding his release. His family is eager to receive him and help in his resettlement. 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 Eugen Mwaura Njeri from prison to perform community service at Salгаа Police Station forthwith unless otherwise lawfully held.



7. File closed.

DATED, SIGNED & DELIVERED AT NAKURU THIS 22ND AUGUST, 2023.

H.M. NYAGA

JUDGE

