



REPUBLIC OF KENYA



KENYA LAW
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**Njeri v Republic (Revision Case E159 of 2023)
[2023] KEHC 22019 (KLR) (22 August 2023) (Revision)**

Neutral citation: [2023] KEHC 22019 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E159 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

JOHN NJERI APPLICANT

AND

REPUBLIC RESPONDENT

REVISION

1. This matter has been brought to me under the Prison Decongestion Exercise been undertaken by this court.
2. The Applicant, John Njeri was convicted for the offence of breaking into a building and committing a felony contrary to section 306 (a) of the [Penal Code](#) and sentenced to serve 2 years' imprisonment on March 31, 2023.
3. He has so far served about 6 months in prison.
4. According to the Sentence Review Report filed on July 28, 2023, the Probation Officer, Samuel Ndung'u recommends Community Service at Miti Mingi Dispensary for a period of six months.
5. The report further states that the convict, upon release from prison, plans to go back and live with his aunt who is willing to support him resettle down effectively.
6. The report states that the convict received guidance and counselling while in prison. The Applicant admits committing the offence and he is remorseful.
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 Miti Mingi Dispensary for six months. He shall be closely supervised by the Chief, Miti Mingi location who shall ensure the convict religiously performs any assigned community service to



his satisfaction and weekly reports made to the Probation Officer, Nakuru 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 22ND AUGUST, 2023.

H.M. NYAGA

JUDGE

