



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
Where Legal Information is Public Knowledge

**Njeri v Republic (Revision Case E170 of 2023)
[2023] KEHC 22136 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22136 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E170 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

PETER NDUNGU NJERI 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, Peter Ndungu Njeri was convicted for the offence of stealing contrary to section 268 (1) as read with 275 of the *Penal Code* and sentenced to 3 years' imprisonment on 29th November 2022.
3. He has so far served about 10 months in prison.
4. According to the Sentence Review Report filed on 28th July 2023, the Community Service Officer, Salim A.G., recommends Community Service at Rhoda Police Post for the remainder of his sentence.
5. The report further states that the inmate hails from a humble background where the family engages in subsistence farming and animal keeping.
6. The inmate has been engaged in the general agriculture practice while in prison and regrets the commission of the offence 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 Rhonda Police Post for one year. He shall be closely supervised by the officer in charge of the said Post who shall ensure the convict religiously performs any assigned community service to his satisfaction and 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

In the presence of:

C/A Jeniffer

Ms Murunga for state

Applicant

