



REPUBLIC OF KENYA



**Njuguna v Republic (Revision Case E053 of 2023)
[2023] KEHC 22128 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22128 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E053 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

PATRICK CHEGE NJUGUNA 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, Patrick Chege Njuguna was convicted for the offence of creating a disturbance in a manner likely to cause a breach of peace contrary to section 95 (1) (b) of the Penal Code and sentenced to serve 6 months' imprisonment on April 13, 2023.
3. He has so far served about 5 months in prison.
4. According to the Sentence Review Report filed on August 2, 2023, the Community Service Officer, Dorothy Bett recommends Community Service at Kwale Police Post for the remainder of his sentence.
5. The report further states that the inmate, before his arrest, engaged in farming in his 2-acre piece of land to provide for his family and plans to go back to them and engage in farming upon his release.
6. The report states that the inmate has not gained any skill while in prison but has received guidance and counselling. Additionally, he is willing to serve a non-custodial sentence.
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 Kwale Police Post for the remainder of his sentence.
8. File closed.



DATED, SIGNED AND DELIVERED AT NAKURU ON 22ND AUGUST 2023.

H.M. NYAGA

JUDGE

In the presence of:

C/A Jeniffer

Ms Murunga for state

Applicant

