



**Njuguna v Republic (Revision Case E164 of 2023)
[2023] KEHC 22060 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22060 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E164 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

JULIUS KINYANJUI 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, Julius Kinyanjui Njuguna was convicted for the offence of shop breaking and stealing contrary to section 306 (a) of the [Penal Code](#) and sentenced to pay a fine of Kshs. 39,000 and in default to serve 6 months' imprisonment on May 22, 2023.
3. He has so far served about 4 months in prison.
4. According to the Sentence Review Report filed on July 28, 2023, the Probation Officer, Elizabeth Kwamboka, recommends Community Service at Kang'athia Primary School for 2 months.
5. The report further states that the convict, upon release from prison, his siblings are willing to support him be reintegrated back to the society.
6. The inmate engaged in farming activities while in prison. He plans to continue with the activity back home if he is granted the chance 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 revise the sentence and order that the convict serves community service at Kangathia Primary School. He shall be supervised by the head teacher or other authorised officer of the school.
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

