



REPUBLIC OF KENYA



**Odhiambo v Republic (Revision Case E169 of 2023)
[2023] KEHC 22015 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22015 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E169 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

BENEDICT OTIENO ODHIAMBO 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, Benedict Otieno Odhiambo was convicted for the offence of entering a protected area without a permit or any other lawful exemption contrary to section 102 (1) (a) as read with section 105 (1) of the *Wildlife Conservation and Management Act*; Undertaking extractive activity in a national park without a permit or any other lawful exemption contrary to section 102 (1) (a) of the same act and sentenced to 6 months' imprisonment on 19th May 2023.
3. He has so far served about 4 months in prison.
4. According to the Sentence Review Report filed on 28th July 2023, the Community Service Officer, Elizabeth Kwamboka, recommends Community Service at Rhoda Police Station for 2 months.
5. The report further states that the inmate has maintained a good record in the facility where the prison authority regard him as a disciplined person. He had been working at the facility farm and when given the chance, teachers the nursery children within the facility some P.E. lessons. He regrets his offence and promises never to engage in any activity known to be against the law no matter how fast it can bring money.



6. In light of the above and with the view to decongest the prison, I hereby exercise judicial discretion and review the prison sentence and order that the convict serves community service at Rhonda Police Station for 2 months.

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

