



**Ochungo v Republic (Revision Case E034 of 2023)  
[2023] KEHC 22102 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22102 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
REVISION CASE E034 OF 2023  
HM NYAGA, J  
AUGUST 22, 2023**

**BETWEEN**

**DOMINIC OCHUNGO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. This matter has been brought to me under the Prisons Decongestion Exercise being undertaken by this court.
2. The Applicant Dominic Ochungo was convicted for the offence of Stealing Farm Produce contrary to section 8 (1) as read with 8 (2) of the [Stock and Produce Theft Act](#) cap 335 and sentenced to serve 1 year imprisonment on December 20, 2022.
3. He has so far served about 8 months in prison.
4. In the Sentence Review Report filed on August 2, 2023 the Community Service Officer, Dorothy Bett recommends community service.
5. According to the said Report the convict intends to go back home and live with his family who will provide him with basic needs until he finds a job. He enjoyed a cordial relationship with them prior to his arrest and they all believe he has learnt his lesson and can be released. The prison officers vouched for his release stating that he has demonstrated a positive change after undergoing counselling geared towards behavioural change. The area chief also vouches for him and believes he is deserving of a non-custodial sentence. The Applicant is remorseful and is willing to serve a non-custodial sentence.
6. In light of the above and with the view to decongest the prison I hereby exercise judicial discretion and suspend the remainder of the prison sentence and order for the release of the convict Dominic



Ochungo from prison to perform community service at Chesingele Primary School under the supervision of the school's duty officer forthwith unless otherwise lawfully held.

7. 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

