



**Rotich v Republic (Revision Case E036 of 2023)
[2023] KEHC 22024 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22024 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E036 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

GILBERT KIPKORIR ROTICH 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, Gilbert Kipkorir Ruto was convicted for the offence of malicious damage to property contrary to section 339 (1) of the *Penal Code* and sentenced to serve 6 months' imprisonment on April 27, 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, N.O Nancy, does not recommend the offender for a non-custodial sentence since his parents are coy about having him back and as such there will be challenges in regard to accommodation, the local administration does not vouch for him either.
5. The report further states that the inmate is a class 8 drop out and blames his woes on his drunken state on that fateful day. His parents are not willing to have him back at the moment and wishes that he completes his sentence.
6. The report states that the officers in Nakuru Main Prison averred that he has been of good conduct and has been attached to the tree nursery and slashing section as well as acquiring skills in tendering for trees and flowers that he can exploit once out of prison to earn a living.



7. The inmate expresses genuine remorse and pleads for court's leniency promising to mend his ways stating that he has learnt his mistakes the hard way and is willing to serve the rest of his sentence on non-custodial sentence.
8. In light of the above and having taken into consideration, the prison assessment, the inmate's rehabilitation and re-integration, I hereby order the continuance of the inmate, Gilbert Kipkorir Ruto's, custodial sentence until completion.
9. 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

