



REPUBLIC OF KENYA



KENYA LAW
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**Ruto v Republic (Revision Case E035 of 2023)
[2023] KEHC 22028 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22028 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E035 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

ERICK KIPKIRUI RUTO 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, Erick Kipkirui 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 Probation Officer, Newton Majale recommends Community Service at Londiani Police Station for the remainder of his sentence.
5. The report further states that the inmate is semi-skilled as he did not finish primary level of education and ventured into quarrying stones for a living till his time of arrest. He is single and plans to continue staying with his parents who will help him settle.
6. The report states that the convict did not undergo any formal training while in prison, the complainant believes that the inmate has reformed hence has no objection if released on non-custodial sentence.
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 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 Londiani Police Station under the supervision of the officer in charge for the remainder of his sentence.

9. File closed.

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

H.M. NYAGA

JUDGE

In the presence of:

C/A Jeniffer

Ms Murunga for state

Applicant

