



REPUBLIC OF KENYA



**Shamala v Republic (Revision Case E045 of 2023)  
[2023] KEHC 22126 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22126 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
REVISION CASE E045 OF 2023  
HM NYAGA, J  
AUGUST 22, 2023**

**BETWEEN**

**CHRISTOPHER SHAMALA ..... 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, Christopher Shamala was convicted for the offence of creating disturbance in a manner likely to cause a breach of the peace contrary to section 95 (1) (b) and malicious damage to property contrary to section 339 (1) of the *Penal Code* and sentenced to serve 1 and a half years' imprisonment on January 5, 2023.
3. He has so far served about 8 months in prison.
4. According to the Sentence Review Report filed on August 2, 2023, the Community Service Officer, Douglas Mwiraria recommends Community Service at Sachangwan Chief's Camp for the remainder of his sentence.
5. The report further states that the convict, upon release from prison, plans to go back and live with his wife who will provide food, shelter and clothing for him till he becomes stable and finds a job. He is a chef by profession and intends to start his own eatery joint to support he and his family.
6. The report states that the convict did not undergo any formal training while in prison; has received counselling geared towards general behavioural change and the prison authorities vouched for his release stating that he has portrayed a positive change. The applicant is remorseful and very apologetic for his actions and is willing and ready for a non-custodial sentence if considered.



7. 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 the remainder of the sentence under community service at Sachangwan Chief's Camp.

**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**

