



**Simiyu v Republic (Revision Case E071 of 2023)
[2023] KEHC 22129 (KLR) (22 August 2023) (Revision)**

Neutral citation: [2023] KEHC 22129 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E071 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

CHARLES WAFULA SIMIYU APPLICANT

AND

REPUBLIC RESPONDENT

REVISION

1. This matter has been brought to me under the Prison Decongestion Exercise been undertaken by this court.
2. The Applicant, Hillary Mbugua was convicted for the offence of stealing of a motorcycle contrary to section 278(a) of the *Penal Code* and sentenced to serve 6 months' imprisonment on April 28, 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, NO Nancy recommends Community Service at Nyamawanga Primary School 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 parents who will provide food, shelter and clothing for him till he becomes stable and finds a job.
6. The report states that the inmate has been of good conduct and is attached to the tree nursery and building section and has now acquired skills in tending to trees and flowers. 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 his sentence under community service at Nyamawanga Primary School.



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

H. M. NYAGA

JUDGE

In the presence of:

Ms Murunga for state

Applicant

