



REPUBLIC OF KENYA



**Wanjiru v Republic (Revision Case E042 of 2023)
[2023] KEHC 22068 (KLR) (22 August 2023) (Revision)**

Neutral citation: [2023] KEHC 22068 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E042 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

JOHN KAMARI WANJIRU APPLICANT

AND

REPUBLIC RESPONDENT

REVISION

1. This matter has been brought to me under the Prisons Decongestion Exercise being undertaken by this court.
2. The Applicant John Kamari Wanjiru was convicted for the offence of being in possession of alcoholic drink that does not conform to the requirements of section 27 (1) (b) and section 27 (4) of the *Alcoholic Drinks Control Act* Cap 121 (A) No 4 of 2010 and sentenced to pay a fine of Kshs 25,000 and in default, serve 1-year imprisonment on February 6, 2023.
3. He has so far served about 6 months in prison.
4. In the Sentence Review Report filed on August 2, 2023 the Community Service Officer, Julia Isomi recommends community service.
5. According to the said Report the convict dropped out of school due to marriage and is currently married with one child. He has been taking part in welding and cleaning while serving his 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 order the convict/applicant be released from prison forthwith and be placed on Community Service at Moricho Primary School for the remainder of his sentence.
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

