



REPUBLIC OF KENYA



**KENYA LAW**  
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**Nyakwara v Republic (Criminal Revision E031 of 2022)  
[2022] KEHC 11037 (KLR) (4 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 11037 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAMIRA  
CRIMINAL REVISION E031 OF 2022**

**JN KAMAU, J  
AUGUST 4, 2022**

**BETWEEN**

**JAPHET MOMANYI NYAKWARA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant was charged and convicted on his own plea of guilty of the offence of assault causing actual bodily harm contrary to section 251 of the [Penal Code](#) Cap 63(Laws of Kenya). He was arraigned in court on 11/10/2021 and arraigned in court on 12/10/2021 when he was sentenced to three (3) years imprisonment. His earliest date of release is 12/10/2023. The Report by Jackline C. Mwei Probation Officer that was filed on 1/8/2022 recommends that he serves a Community Service Order at Nyakumbati Sub Location's Chief's Office for the remaining period as he has only served nine (9) months in prison, I hereby decline to renew the sentence. The Applicant is at liberty to make a fresh application at the appropriate time for consideration by the court. Orders accordingly.

**DATED AND DELIVERED AT NYAMIRA ON THIS 4<sup>TH</sup> AUGUST 2022.**

**J. KAMAU  
JUDGE**

