



REPUBLIC OF KENYA



KENYA LAW
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**Kinanga v Republic (Criminal Revision E016 of 2022)
[2022] KEHC 11444 (KLR) (3 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 11444 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CRIMINAL REVISION E016 OF 2022**

**JN KAMAU, J
AUGUST 3, 2022**

BETWEEN

JONNES KINANGA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged with the offence of creating a disturbance in a manner likely to cause a breach of peace contrary to Section 95 (1)(b) of the [Penal Code](#) Cap 63 (Laws of Kenya). He was convicted on his own plea of guilty and sentenced to serve three (3) years imprisonment on 11/8/2021. The report by Edwin Kimaiyo Probation/Community Service Officer that was filed on 1/8/2022 recommended that the applicant be released to serve community service order at Omonono Primary School for a period of one (1) year. The offence under Section 95(1) (b) of the Penal Code is a misdemeanor attracting of a maximum six (6) months. The applicant is currently serving on illegal and unlawful sentence that has no basis under the law. As he has already finished his sentenced, it is hereby directed that he be released from custody forthwith unless he be held for any other lawful cause. Orders accordingly.

DATED AND DELIVERED AT NYAMIRA ON THIS 3RD AUGUST 2022

J. KAMAU

JUDGE

