

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

CRIMINAL CASE NO. 49 OF 2017

MIRRIAM MURINGE.....ACCUSED

VERSUS

DPP.....REPUBLIC

RULING

The offender herein **MIRRIAM MURINGE** had been sentenced by the court to serve a 3-year non-custodial probation sentence. This was on 5.3.2020. She however failed to serve as ordered, but rather, stayed away till 15.6.2021 when she was arrested and brought back to court following execution of warrants of arrest issued by the court.

The offender has given an explanation that the Corona Virus with its restrictions came up immediately she came out of prison and that she was unable to reach out to the probation officers. The probation officer Ms. Kanyangi, was confirmed willingness in taking the subject into the probation programme.

Ms. Kimani, for the state, did not object to this request. The counsel however, made a rider that in case the order placing the subject to probationary terms had a default clause, then the court should enforce the default sentence.

I have considered the sentence proceedings of the court on 5.3.2020. The Honourable Judge did not impose any default clause to the term of probation. Also considered is the willingness of the convict/subject to serve through to probation terms and the probation officer's own willingness and plea that she be re-admitted to the programme. Also noted is that the subject did not commence the terms as ordered by the court.

I hereby order that the convict/subject herein be placed on probation for 3 years on the same terms as ordered on 5.3.2020. The terms of probation shall run from the date of this order. Orders accordingly

D. O. OGEMBO

JUDGE

30.6.2021.

Court:

Ruling read in court in presence of the convict (Langata Women), Ms. Kimani for the state, and Ms. Kanyangi Probation Officer.

D. O. OGEMBO

JUDGE

30.6.2021.