REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KABARNET

H.C.C.R. REV. NO. 3 OF 2020

KAIKOK NGORIASIWA.....APPELLANT

- VERSUS -

REPUBLIC.....RESPONDENT

REVISION ORDER

1. The Court is mindful of the direction of the Chief Justice as part of the measures adopted by National Council on the Administration of Justice (NCAJ) under its Plan to combat the threat of Corona Virus Disease - 2019 (COVID-2019) entitled Administrative and Contingency Management Plan to Mitigate COVID-19 in Kenya's Justice Sector issued on the 15th March 2020, in relevant part on decongestion of prisons as follows:

> "8. Judges in all stations will in the meantime review the deserving cases already identified by Prison Authorities and issue appropriate revision orders in an effort to decongest the prisons…."

2. In exercise of the revisionary powers of the High Court and, having considered the sentence, and in accordance with the NACJ guidelines for decongestion of prisons, the court finds it appropriate pursuant to section 364 of the Criminal Procedure Code to revise the sentence imposed on the appellant and reduce it to a sentence of imprisonment for the period already served so that the appellant may forthwith be released from custody, in furtherance of the NCAJ's decongestion measures.
Orders

3. There shall, therefore, be an order of the court directing the release of the appellant from custody, unless he is otherwise lawfully held.
Order accordingly.

DATED AND DELIVERED THIS 24TH DAY OF MARCH 2020.

EDWARD M. MURIITHI

JUDGE

Appearances:

Appellant in person.

Ms. Kitilit, Prosecution Counsel for the Respondent.