



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**CRIMINAL DIVISION**

**CRIMINAL REVISION NO. 290 OF 2015**

**JONAH OLE THOMAS..... APPLICANT**

**VERSUS**

**REPUBLIC .....RESPONDENT**

**RULING**

I have thoroughly read though the Probation Officer's report dated 11<sup>th</sup> April, 2017. The same clearly portrays the Applicant as not a good case for probation or CSO. He failed to give the exact parenthood and siblings which means it would be difficult to supervise him if released on a non-custodial sentence. However, he was sentenced to four years imprisonment. Before the sentence was passed, he had been in remand for two years and six months. He has so far served one year and five months in jail. The total period served in prison therefore is three years and eleven months. Considering the circumstances of the case, and more particularly, that the family of the deceased is amenable to any decision the court makes and I will rule in favour of the applicant.

In the result, I set aside the balance of the jail term and substitute it with an order that the Applicant has served sufficient sentence. I order that he be and is hereby forthwith set free unless otherwise lawfully held. It is so ordered.

**DATED and DELIVERED** this 20<sup>th</sup> day of **April, 2017**.

**G.W. NGENYE-MACHARIA**

**JUDGE**

**In the presence of:**

1. *Applicant in person*
2. *M/s Aluda for the State*