



**REPUBLIC OF KENYA**

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

**REVISION CASE NO. 20 OF 2015**

**SAMUEL NDIRANGU GICHOHI.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**RULING**

The applicant was charged in Mukurweini Senior Principal Magistrates Court Criminal Case No. 154 of 2014 with the offence of stealing contrary to section 268(1) as read with section 275 of the Penal Code. He was convicted on his own plea of guilty and sentenced to serve three years imprisonment.

The appellant's case was brought before this court for revision and consideration of whether the remainder of his sentence could be commuted to community service rather. It would appear the reason for the need for revision of the sentence is informed by the fact that he is suffering from a terminal disease. This information is contained in Community Service Officer's Report dated 18<sup>th</sup> January, 2015.

As at the time the report was made the applicant had served eleven and a half months of his prison term and he was remaining with more 16 months to serve.

Between January, 2015 and to date the 18<sup>th</sup> March, 2016, the applicant has virtually completed his sentence. Considering his health condition I order that his prison sentence be reduced to the term he has served. Accordingly, he is set at liberty unless he is lawfully held under a separate warrant.

**Signed, dated and delivered in open court this 18<sup>th</sup> March, 2016**

Ngaah Jairus

**JUDGE**