

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

CRIMINAL REVISION NO. 338 OF 2013

JOHN MUINDE MUSYOKI alias KILLER ACCUSED

versus

REPUBLICPROSECUTOR

RULING

1. **JOHN MUINDE MUSYOKI** alias **KILLER**, hereinafter “the offender” was tried, convicted and sentenced by Kangundo Senior Principal Magistrate’s court in **Criminal Case No.165 of 2012** to serve four years imprisonment.
2. On the 18th October 2013 pursuant to this courts supervisory role and in an endeavor to decongest prison it reviewed the order. Subsequently, it directed the offender to perform community service for a period of twelve months.
3. The offender worked for only 45 days and absconded. It is argued by the offender that he informed his supervisor, Antony Muema that he had secured employment prior to leaving.
4. In a sworn affidavit Anthony Mwema who supervised him denied having released him.
5. Prior to being released on the Community Service Order, the court and the Community Service Officer did explain to the offender what was expected of him. He was under an obligation to report to the supervising officer and perform the work assigned and if he wished to change his address he was supposed to notify the officer. Having absconded for three (3) months prior to being apprehended the offender was in breach of the Community Service Order.
6. Pursuant to the provisions of section 5(1) of the Community Service Orders Act, I hereby revoke the order and impose a sentence of one (1) year imprisonment.
7. It is so ordered.

DATED, SIGNED and DELIVERED at MACHAKOS this 29TH day of APRIL, 2015.

L.N. MUTENDE

JUDGE