



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MACHAKOS**  
**Criminal Revision Case 223 of 2008**  
**SAMUEL MBUSI NDANO ..... ACCUSED**

**VERSUS**

**REPUBLIC**

**REVISION**

1. On the intervention of the Chairman National Committee on Community Service Orders the Hon. Mr Justice J.B Ojwang and having seen his letter dated 31<sup>st</sup> October 2008, it is apparent that the Kajiado G.K Prison is overwhelmed by the number of petty offenders in detention and the over congestion is causing undue injustice to all concerned.
2. Having identified the subject in this matter as one such offender I will exercise discretion and revise the sentence of a fine of Kshs.5,000/= in default 3 months imprisonment and instead order that the subject be forthwith repatriated back to Tanzania and his prison term is set aside.
3. The Officer-in-Charge, Kajiado G.K. Prison to ensure his immediate release and repatriation as aforesaid.
4. Orders accordingly.

Dated and delivered at Machakos this 17<sup>th</sup> day of **December** 2008.

ISAAC LENAOLA

JUDGE