



REPUBLIC OF KENYA



**KENYA LAW**

THE NATIONAL COUNCIL FOR LAW REPORTING

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**Maingi v ODPP (Criminal Revision E158 of 2025)  
[2025] KEHC 9476 (KLR) (1 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 9476 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KITUI  
CRIMINAL REVISION E158 OF 2025**

**LW GITARI, J**

**JULY 1, 2025**

**BETWEEN**

**PAUL MATAKA MAINGI ..... APPLICANT**

**AND**

**ODPP ..... RESPONDENT**

**RULING**

1. The accused was charged with breaking into a building and committing a felony contrary to Section 306(a) & (b) of the *Penal Code*. He pleaded guilty and was ordered to serve one-year imprisonment.
2. The Officer In-charge G.K Prison Kitui, Joseph Loktari (CP) has written to this court a letter dated 27/6/2025 seeking a review of the sentence and for the release of the accused from Prison as he has been diagnosed with a Multi Drug resistant Tuberculosis. The Officer-In-Charge has been advised that the Drug to treat his condition have to be procured at Kemsu since they are not available at Kitui.
3. He has also pleaded that the facility is congested and the magnitude of the risk involved. They have now where to keep the accused and they fear that he will infect other prisoners since the type of Tuberculosis is very infectious.
4. He has urged this court to urgently intervene and order that he be released so that he can be attended in a more secured facility and be under close supervision of his relatives.
5. I have considered the request. I note that the accused poses a great danger to other prisoners who are in a congested prison. The accused has served a substantial part of the sentence.
6. In view of these matters which have been brought to my attention, I order the sentence is reviewed as follows:
  1. The sentence imposed is reviewed to the sentence already served.



2. The accused shall be set at liberty.
3. The Officer In-Charge G.K Prison is ordered to ensure that the Clinical Officers at the Prison give advice on how he will access treatment, if he is released to the relatives.

**DATED, SIGNED AND DELIVERED AT KITUI THIS 1<sup>ST</sup> DAY OF JULY 2025**

**HON. LADY JUSTICE L. GITARI**

**JUDGE**

