



**Balaga v Republic (Criminal Revision E015 of 2024)
[2024] KEHC 6891 (KLR) (4 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 6891 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VOI
CRIMINAL REVISION E015 OF 2024**

GMA DULU, J

APRIL 4, 2024

BETWEEN

JECINTA BALAGA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This is a request to review prison sentence dated 12th March, 2024 relating to the sentence imposed by the trial court on the Applicant Jecinta Balaga in Voi CM Criminal Case No E030 of 2024.
2. I have not been availed the trial court file, but from the sentence review report filed by David M. Gakuru the Community Service Officer on 02/04/2024, the Applicant was sentenced to imprisonment for selling traditional liquor without a permit to wit 7 liters, and currently has with two (2) more months to serve in prison
3. It is evident from the report that she is a first offender, and a single mother to five (5) children who depend on her and are now in the custody of friends. The Applicant has already been in custody for two (2) months now and is remorseful. The community Service Officer recommends lowering the sentence to community service.
4. On his part, Mr. Sirima, the learned Prosecuting Counsel does not object to the applicant being released on probation though the Community Service Officer has recommended that she serves the remaining two months on Community Service at Bondeni Nursery school.
5. Having myself considered the facts and circumstances of this matter, I am of the view that the period of imprisonment already served by the applicant is adequate punishment. I will therefore release her from prison.



6. Consequently, and for the above reasons, I review the prison sentence herein imposed, and order that the prison sentence is hereby reduced to the period already served by the applicant up to today. The applicant will thus be released from prison custody forthwith unless otherwise lawfully held.

DATED, SIGNED AND DELIVERED THIS 04TH DAY OF APRIL 2024 AT VOI IN THE OPEN COURT VIRTUALLY

GEORGE DULU

JUDGE

In the presence of:-

Alfred/Trizah – Court Assistants

Applicant – virtual

Mr. Sirima for State

