



**Ibrahim v Republic (Criminal Appeal 73 of 2024)
[2024] KEHC 3837 (KLR) (16 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 3837 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL APPEAL 73 OF 2024
DR KAVEDZA, J
APRIL 16, 2024**

BETWEEN

PATRICK RIVOKE IBRAHIM APPELLANT

AND

REPUBLIC RESPONDENT

RULING

1. The appellant was charged and convicted for the offense of tampering with telecommunication plant contrary to section 32 (c) of the [Kenya Communication Amendment Act](#) No. 12 Cap. 411 Laws of Kenya. He was sentenced to pay a fine of Kshs. 5,000,000/= and in default to serve ten (10) years' imprisonment.
2. This matter came up in court on 16/04/2024 for mention for directions on the appeal. However, during the proceedings, it was highlighted that applicant has only one month left to complete his sentence, which position was confirmed by the prisons.
3. According to the Chief Justice's memo dated 07/12/2022, inmates who are serving long sentences and have a balance of three (3) years or less may be considered for non-custodial sentence.
4. In line with the aforementioned memo, I hereby set aside the ten (10) years custodial sentence imposed by the trial court and substitute it with an order that the applicant has served sufficient sentence.
5. The applicant shall forthwith be set at liberty unless otherwise lawfully held.

It is so ordered.

RULING DELIVERED THIS DAY 16TH DAY OF APRIL 2024.

D. KAVEDZA



JUDGE

In presence of:

Mr. Mutuma for the Respondent

Appellant present on the virtual platform

Nelson Court assistant

