



**Komen v Republic (Criminal Revision E006 of 2024)  
[2024] KEHC 5990 (KLR) (23 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5990 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KABARNET  
CRIMINAL REVISION E006 OF 2024  
RB NGETICH, J  
MAY 23, 2024**

**BETWEEN**

**BONIFACE KEMBOI KOMEN ALIAS AGOSE ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant herein was charged with the offence of threatening to kill contrary to section 223(1) of the [Penal Code](#). He was convicted and sentenced to serve 2 years imprisonment. He is due to complete sentence on 22<sup>nd</sup> October 2024. He has now filed application for revision of sentence on ground of ill health.
2. I have perused and considered applicant's application for revision of sentence. In his affidavit, he states that he is suffering from Tuberculosis and he is likely to infect other inmates in prison.
3. The probation officer's report dated 24<sup>th</sup> May 2024 confirm that the applicant suffers from drug resistant tuberculosis and is likely to infect other inmates with the disease. Treatment documents have been attached to the application.
4. The local administration, prison Administration and medical officer recommend release of the applicant so that he can be treated while out of prison and prevent spread of the disease to other inmates.
5. In view of the above, I hereby hallow application for revision of sentence and order unconditional discharge of the applicant herein.
- 6.



**Final Orders:**

1. The applicant is hereby discharged unconditionally
2. The family of the applicant to undertake to treat the applicant to prevent spreading the disease.

**RULING DELIVERED, DATED AND SIGNED THIS 23<sup>RD</sup> DAY OF MAY, 2024 IN THE ABSENCE OF THE APPLICANT**

**RACHEL NGETICH J.**

