



REPUBLIC OF KENYA



**KENYA LAW**  
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**Wekesa v Republic (Criminal Revision E064 of 2024)  
[2024] KEHC 4787 (KLR) (7 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 4787 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CRIMINAL REVISION E064 OF 2024**

**RE ABURILI, J**

**MAY 7, 2024**

**BETWEEN**

**MOSES WEKESA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original conviction and sentence in the Chief  
Magistrate's Court Criminal Case No. E602 of 2022 at Kisumu)*

**RULING**

1. The applicant for sentence review is Moses Wekesa who was sentenced to serve two (2) years imprisonment for the offence of preparation to commit a felony vide Kisumu CMCRC No. E602 of 2022.
2. The Probation Report filed on 16<sup>th</sup> April 2024 reveals that he hails from Bungoma County but has very weak ties to his home and was raised in various orphanages. He became a truant and could not be sustained in those orphanages hence he ended up in Kisumu.
3. He is not married. He kept bad company of criminals. He is now 32 years old. He prays for leniency but that the community does not want him out and threatens to lynch him because of his criminality.
4. The convict has already served one (1) year in prison and is remaining with less than a year. He may be released by August this year if he gets remission as per the prison report while his two-year imprisonment end date is 4<sup>th</sup> April 2025.
5. He is willing to serve the remainder of the sentence outside prison but he is a flight risk due to his socialization.



6. I have considered all the above and the fact that from the Probation Officer's report, he is remorseful and according to the Probation Report, he has been engaged in farm work and promises to change.
7. In my view, the convict has served one year in prison and can benefit from prison decongestion exercise. From the history given by the Probation officer, his upbringing without his parents contributed to his social situation. He moved from children home to remand home due to lack of proper abode and guardianship. It was not his fault. He deserved to be given a chance to work and fend for himself but the society is not kind to persons who become criminals due to problematic childhood and upbringing.
8. For the above reasons, unless otherwise lawfully held in prison, the convict Moses Wekesa is hereby released from prison conditional upon him not committing any offence for the next 12 months.
9. File closed.
10. I so order.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 7<sup>TH</sup> DAY OF MAY, 2024**

**R. E. ABURILI**

**JUDGE**

