



REPUBLIC OF KENYA



**Waichungo v Republic (Criminal Revision 115 of 2024)
[2024] KEHC 6865 (KLR) (11 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 6865 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 115 OF 2024
DR KAVEDZA, J
JUNE 11, 2024**

BETWEEN

PAUL NDICHU WAICHUNGO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This file was brought before me for the decongestion exercise pursuant to the Chief Justice's memo dated 7/12/2022, which provides that inmates who are serving three (3) years imprisonment or less, or those serving long sentences but have a balance of three (3) years or less may be considered for non-custodial sentences.
2. The applicant was charged and convicted for the offence of dangerous driving causing death contrary to section 46 of the *Traffic Act*, Cap 403 Laws of Kenya. He was sentenced to serve five (5) years imprisonment.
3. The probation report brought to court indicates that the applicant has served 11 months. The probation report was also favourable. Additionally, the report indicates that the applicant is remorseful and prays that he be granted on a community service order.
4. As for his conduct in prison, the applicant has attended a number of trainings and counselling sessions, which have been instrumental in his rehabilitation process. The applicant's family is also committed to helping him effectively rehabilitate and ensure successful reintegration into the community. However, the sentence served by the applicant is not sufficient rehabilitation considering that an individual lost his life.
5. In view of the foregoing, it is my finding that the applicant is not eligible for early release. The application is dismissed for lacking in merit.



Orders accordingly.

RULING DATED AND DELIVERED VIRTUALLY THIS 11TH DAY OF JUNE 2024.

D. KAVEDZA

JUDGE

