



**Wanyonyi v Republic (Criminal Revision 114 of 2024)  
[2024] KEHC 6949 (KLR) (10 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 6949 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
CRIMINAL REVISION 114 OF 2024  
DR KAVEDZA, J  
JUNE 10, 2024**

**BETWEEN**

**DERRICK SIMIYU WANYONYI ..... 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 appellant was charged and convicted for the offence of escape from lawful custody contrary to section 123 as read with section 36 of the *Penal code*. He was sentenced to serve four (4) years imprisonment. Being aggrieved, he filed the present application seeking revision of sentence.
3. The probation report availed in court indicates that the applicant has served 1 year and 1 month in prison. Additionally, the applicant is serving another prison sentence pursuant Kibera Magistrate’s Court Sexual Offences case no. E002 of 2023 where he was sentenced to serve 9 years imprisonment. The report was consequently not favourable.
4. In view of the foregoing, it is my finding that the applicant is not eligible for early release as the report is not favourable. It will be unreasonable for the court the release the applicant yet he is serving another sentence. For the foregoing reason the application for early release is dismissed.

It is so ordered.

**RULING DELIVERED VIRTUALLY THIS DAY 10TH DAY OF JUNE 2024.**

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**D. KAVEDZA**  
**JUDGE**

