



**Folly v Republic (Criminal Revision 68 of 2024)
[2024] KEHC 9145 (KLR) (24 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 9145 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 68 OF 2024**

DR KAVEDZA, J

JULY 24, 2024

BETWEEN

WE ABALO FOLLY 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 trafficking in narcotic drugs and Psychotropic Substances contrary to section 4(A) of the *Narcotic Drugs and Psychotropic Substances (Control) Act* No. 4 of 1994. He was sentenced to serve sixteen (16) years imprisonment to run from the date of arrest.
3. He filed the present application seeking sentence review. The grounds raised are that since his incarceration, he has developed blood pressure and persistent back pain which forced him to be admitted to Kenyatta National Hospital. He has been rehabilitated and he is the sole breadwinner in his family of one wife and one son. He urged the court to revise the sentence of the time already spent as sufficient.
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.
5. In view of the foregoing, it is my finding that the applicant is eligible for early release. I therefore find the time served as adequate sentence under the circumstances. The applicant shall be repatriated to his country of origin Togo.



Orders accordingly.

RULING DATED AND DELIVERED VIRTUALLY THIS 24TH DAY OF JULY 2024

D. KAVEDZA

JUDGE

