



REPUBLIC OF KENYA



KENYA LAW
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**Mboga v Republic (Criminal Revision 64 of 2023)
[2024] KEHC 8005 (KLR) (2 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 8005 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 64 OF 2023**

DR KAVEDZA, J

JULY 2, 2024

BETWEEN

ELIZABETH AKINYI MBOGA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged and convicted for the offence of trafficking in narcotic drugs contrary to section 4(a) of the *Narcotic Drugs and Psychotropic Substances (Control) Act* No. 4 of 1994. She was sentenced to serve 15 years imprisonment in addition to pay a fine of Kshs. 10 million in default to serve 1-year imprisonment. Being aggrieved, she filed an appeal challenging her conviction and sentence. Her appeal on sentence was successful and her sentence was reduced to 10 years imprisonment.
2. He has filed an application for sentence revision, stating that she has been in custody since 2018 during which she has undergone rehabilitation. She is a single mother aged 57 years and facing health related issues. She prayed for early release to aid her reintegration into society and take care of her children. She prayed for a non-custodial sentence.
3. This court called for probation report which was favourable. The report indicates that the applicant is remorseful for the crime committed. As for her conduct in prison, the applicant has attended a number of trainings and counselling sessions, which have been instrumental in her rehabilitation process. The applicant's family is also committed to helping her effectively rehabilitate and ensure successful reintegration into the community.
4. 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.
5. The applicant is released forthwith unless otherwise lawfully held. The applicant is directed to report to Muhoroni Probation Office for reintegration for a period of 12 months.



Orders accordingly.

RULING DATED AND DELIVERED VIRTUALLY THIS 2ND DAY OF JULY 2024.

D. KAVEDZA

JUDGE

