



**Alukwe v Republic (Criminal Revision 219 of 2024)
[2024] KEHC 10873 (KLR) (17 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 10873 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 219 OF 2024
DR KAVEDZA, J
SEPTEMBER 17, 2024**

BETWEEN

EVANS OKETCH ALUKWE 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. I have gone through the file and noted that applicant was convicted by the trial court for the offence of robbery with violence contrary to section 295 as read with 296(2) of the *Penal Code*. He was sentenced to serve seven years imprisonment.
3. According to the Prison Conduct Report dated 15th August 2024, the applicant has served two years and six months of his sentence, with two years and three months remaining, after accounting for a remission period of two years and four months.
4. A probation report was also filed with respect to the applicant. According to the said report, the inmate has been receptive to rehabilitation while in prison and he is remorseful about committing the offence. However, the inmate has not been in contact with his family and lacks a fixed abode. According to the report, such lack of social support and a fixed abode will make supervision under non-custodial sentence difficult. The report concluded that the applicant is not suitable for a non-custodial sentence and that he should serve his sentence to completion.



5. In line with the findings in the above report, it is my view that the applicant is not suitable to serve a non-custodial sentence. I therefore decline to release him under the decongestion exercise. The applicant shall serve his sentence to completion.
6. Orders accordingly.

RULING DELIVERED THIS 17TH DAY OF SEPTEMBER 2024.

D. KAVEDZA

JUDGE

