



**Emali v Republic (Criminal Revision 223 of 2024)  
[2024] KEHC 10874 (KLR) (17 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 10874 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
CRIMINAL REVISION 223 OF 2024  
DR KAVEDZA, J  
SEPTEMBER 17, 2024**

**BETWEEN**

**SHADRACK AGUMBI EMALI ..... 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 being in possession of narcotic drugs (bhang) contrary to section 3(1) as read with 3(2) of the *Narcotic and Psychotropic Substances (Control) Act*. He was sentenced to serve ten years imprisonment.
3. According to the Prison Conduct Report dated 15<sup>th</sup> August 2024, the applicant has served five years of his sentence, with one year and five months remaining, after accounting for a remission period of three years and four months.
4. A probation report was also filed with respect to the applicant. According to the said report, the applicant has been receptive to rehabilitation while in prison and he is remorseful about committing the offence.
5. The findings in the probation report are in favour of the applicant and I accordingly find that he can benefit from a non-custodial sentence.
6. I therefore order that the applicant be placed on community service for twelve (12) months at Mutuini Location Chief’s Camp, under the supervision of the area chief.



7. File closed.

Orders accordingly.

**RULING DELIVERED THIS 17<sup>TH</sup> DAY OF SEPTEMBER 2024.**

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**D. KAVEDZA**

**JUDGE**

