



REPUBLIC OF KENYA



**KENYA LAW**  
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**Imbwaga v Republic (Criminal Revision 170 of 2024)  
[2024] KEHC 10820 (KLR) (17 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 10820 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
CRIMINAL REVISION 170 OF 2024  
DR KAVEDZA, J  
SEPTEMBER 17, 2024**

**BETWEEN**

**PRISDON IMBWAGA ..... 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 on his own plea of guilty for the offence of cutting and removing forest produce contrary to section 64(1)(a) as read with section 64(2) of the *Forest Conservation and Management Act* No. 34 of 2016. He was sentenced to serve twelve (12) months imprisonment.
3. A probation report was filed with respect to the applicant, indicating that the Applicant has served 6 months and has a remaining period of 2 months to serve his sentence. According to the said report, the Applicant has been undertaking rehabilitation programs while in prison and he is remorseful about committing the offence.
4. However, the Chief of Ngong expressed a strong opposition to the Applicant’s early release, citing that the Applicant has a history of arrests and convictions related to illegal cutting and removal of forest produce. Additionally, the Applicant has previously served a probation sentence for the same offence in Criminal Case No. 1620 of 2018, which he absconded.
5. The report concluded that the applicant is not suitable for a non-custodial sentence and that he should serve his sentence to completion.



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

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

**D. KAVEDZA**

**JUDGE**

