



**Kabugi v Republic (Criminal Revision 193 of 2024)
[2024] KEHC 10946 (KLR) (17 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 10946 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 193 OF 2024
DR KAVEDZA, J
SEPTEMBER 17, 2024**

BETWEEN

SAMUEL MACHARIA KABUGI 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 incest contrary to section 20(1) of the *Sexual Offences Act* No. 3 of 2006. He was sentenced to serve ten (10) years imprisonment.
3. A Probation Report was filed with respect to the Applicant, indicating that he is left with 5 months to complete his sentence.
4. According to the said report, the applicant has been receptive to rehabilitation programs and is ready to serve a non-custodial sentence. His family and community are also ready to facilitate his progressive reintegration upon release.
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 six (6) months at Kiboko Chief’s Camp, under the supervision of the Officer-in-Charge, Ngong Probation Station.
7. File closed.



Orders accordingly.

RULING DELIVERED THIS 17TH DAY OF SEPTEMBER 2024.

D. KAVEDZA

JUDGE

