



**Katieso v Republic (Criminal Revision 227 of 2024)
[2024] KEHC 10825 (KLR) (17 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 10825 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 227 OF 2024
DR KAVEDZA, J
SEPTEMBER 17, 2024**

BETWEEN

DAVID ALIGULA KATIESO 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 committing and indecent act with a child contrary to section 11(1) of the *Sexual Offences Act* No. 3 of 2006. He was sentenced to serve ten years imprisonment.
3. According to the Prison Conduct Report dated 15th August 2024, the applicant has served four years and ten months of his sentence, with one year and seven months remaining, after accounting for a remission period of three years and twenty days.
4. A probation report was also filed with respect to the applicant. 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. Despite the positive findings in the probation reports, the nature of the offence committed by the applicant is serious. Sexual offences are a sensitive matter that the sentence imposed should serve the ends of justice.



6. I accordingly decline to release the Applicant under the decongestion exercise. He shall serve his sentence to completion.

Orders accordingly.

RULING DELIVERED THIS 17TH DAY OF SEPTEMBER 2024.

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D. KAVEDZA

JUDGE

