



**Kuria & another v Republic (Criminal Revision E028 of 2024)
[2024] KEHC 10831 (KLR) (16 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 10831 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION E028 OF 2024
DR KAVEDZA, J
SEPTEMBER 16, 2024**

BETWEEN

PETER MANYEKI KURIA 1ST APPLICANT

FREDRICK OTIENO OGOLA 2ND 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. The applicants were charged and convicted for the offence of store breaking contrary to section 306(A) of the *Penal Code*. They were each sentenced to serve three (3) years imprisonment. He was sentenced to serve three (3) years imprisonment. Since their conviction, they have already served one (1) year and three (3) months.
3. The probation reports availed in court were favourable. Additionally, the report indicates that the applicants are remorseful and pray that they be granted community service.
4. As for their conduct in prison, the applicants have attended a number of trainings and counselling sessions, which have been instrumental in their rehabilitation process. Their families are also committed to helping them effectively rehabilitate and ensure successful reintegration into the community.
5. In view of the foregoing, it is my finding that the applicants are eligible for early release as the reports found in their favour. In my view, the applicants are eligible to an alternative sentence.



6. I therefore substitute the sentence of three years imposed and issue the following orders:
- i. Peter Manyeki Kuria shall be placed on community service under the supervision of the Chief Dandora Phase 3& 5 Chief's Camp for a period of nine (9) months.
 - ii. Fredrick Otieno Ogola shall be placed on community service under the supervision of the Probation Officer Kibera Sub-County for a period of nine (9) months.

RULING DELIVERED VIRTUALLY THIS 16TH DAY OF SEPTEMBER 2024.

D. KAVEDZA

JUDGE

