



**Miheso v Republic (Criminal Revision 221 of 2024)
[2024] KEHC 10824 (KLR) (17 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 10824 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 221 OF 2024
DR KAVEDZA, J
SEPTEMBER 17, 2024**

BETWEEN

ALLAN MIHESO 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 grievous harm contrary to section 234 of the *Penal Code*. He was sentenced to serve five years imprisonment.
3. According to the Prison Conduct Report dated 15th August 2024, the applicant has served one year of his sentence, with two years and five months remaining, after accounting for a remission period of one year and eight 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. Although the findings in the probation report are in favour of the applicant, it is noteworthy that the offense committed by the Applicant is serious, yet the victim was not consulted to give their views.
6. Additionally, the duration of imprisonment served by the Applicant so far is too short to afford meaningful rehabilitation.



7. I accordingly decline to release the Applicant under the decongestion exercise.

8. The file shall be returned to the lower court for safe custody.

Orders accordingly.

RULING DELIVERED THIS 17TH DAY OF SEPTEMBER 2024.

D. KAVEDZA

JUDGE

