



**Mugo v Republic (Criminal Revision 150 of 2024)
[2024] KEHC 10868 (KLR) (17 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 10868 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 150 OF 2024
DR KAVEDZA, J
SEPTEMBER 17, 2024**

BETWEEN

DENNIS MACHARIA MUGO 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 stealing a motor vehicle contrary to section 268(1) as read with section 278 of the *Penal Code*. He was sentenced to serve three and a half (3 ½) years imprisonment.
3. According to the Prison Conduct Report dated 15th August 2024, the applicant has served ten months of his sentence, with one year and seven months remaining, after accounting for a remission period of one year and two 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 programs in prison and is ready to serve a non-custodial sentence. His family is also ready to facilitate his progressive reintegration upon release.
5. While I acknowledge the positive findings in both the Prison Conduct Report and the Probation Report, I must consider the nature of the offense and the sentence already imposed. The Applicant was convicted of stealing a motor vehicle, which is a serious crime with significant financial and emotional consequences for the victim. The sentence of three and a half years was, in fact, lenient given the gravity of the offense, and the Applicant has only served a relatively short period of his custodial sentence.



6. Therefore, I find no sufficient justification to substitute the remaining sentence with a non-custodial one, and the Applicant shall continue to serve his sentence as imposed.

Orders accordingly.

RULING DELIVERED THIS 17TH DAY OF SEPTEMBER 2024.

D. KAVEDZA

JUDGE

