



**Mwangi v Republic (Criminal Revision 204 of 2024)  
[2024] KEHC 10821 (KLR) (17 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 10821 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
CRIMINAL REVISION 204 OF 2024  
DR KAVEDZA, J  
SEPTEMBER 17, 2024**

**BETWEEN**

**JEDIDA MUGURE MWANGI ..... 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 on eight counts of charges related to personation, giving false information, making a document without authority, forgery of land transfer, 2 counts of uttering a false document and 2 counts obtaining money by false pretences. She was fined in each of the eight counts, and in all the counts, in default she was to serve 1-year imprisonment. Cumulatively, the Applicant is serving 8 years imprisonment.
3. According to the Recommendation Report from Prison dated 7<sup>th</sup> August 2024, the applicant has 2 years and 8 months left to complete her sentence. The Report also indicated that the Applicant has been of good behaviour since her admission to prison.
4. A probation report was also filed with respect to the applicant. According to the said report, while the applicant does not acknowledge committing the offence, she believes that her time in prison has influenced her positively and that she has gained valuable skills that will help her upon release.
5. Although the Probation Report indicates that the Applicant has demonstrated good behaviour, I must consider the overall time served. The Applicant was convicted on eight serious charges that involve significant deception and have considerable impact on the victims.



6. Despite the positive indications in the report, the fact remains that the Applicant has served only 2 years and 4 months of her cumulative 8-year sentence. Given the seriousness of the offenses and the relatively short period served, I find that granting a non-custodial sentence at this stage would be premature.
7. The custodial sentence imposed by the trial court is still necessary to uphold justice, ensure deterrence, and reinforce accountability for such serious offenses. Therefore, the application for a non-custodial sentence is declined, and the Applicant shall continue to serve the remainder of her sentence in custody.

Orders accordingly.

**RULING DELIVERED THIS 17<sup>TH</sup> DAY OF SEPTEMBER 2024.**

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**D. KAVEDZA**

**JUDGE**

