



REPUBLIC OF KENYA



**Mukanzi & 2 others v Republic (Criminal Revision 191 of 2024)  
[2024] KEHC 10870 (KLR) (17 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 10870 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
CRIMINAL REVISION 191 OF 2024  
DR KAVEDZA, J  
SEPTEMBER 17, 2024**

**BETWEEN**

**ERICK WAFULA MUKANZI ..... 1<sup>ST</sup> APPLICANT**

**BONIFACE KIVISHA ..... 2<sup>ND</sup> APPLICANT**

**SAMUEL KARIUKI ..... 3<sup>RD</sup> 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 the three Applicants were convicted jointly by the trial court for the offence of Robbery with Violence contrary to section 295 as read with 296(2) of the [Penal Code](#). They were all sentenced to serve eight (8) years imprisonment.
3. Probation Reports were filed with respect to each of the Applicants.
4. For the 1<sup>st</sup> Applicant, his Report indicates that he has been receptive to rehabilitation programs and is ready to serve a non-custodial sentence. He is remorseful and regrets his actions. His family and the local administration are also ready to facilitate his progressive reintegration.
5. For the 2<sup>nd</sup> Applicant, his Report also indicates that he has been receptive to rehabilitation programs and is ready to serve a non-custodial sentence. He is remorseful and is learning from his weaknesses.



6. Similarly, the Report with respect to the 3<sup>rd</sup> Applicant indicates that he has been receptive of rehabilitation programs and is ready to serve a non-custodial sentence. He is equally remorseful and regrets his actions.
7. While the Probation Reports for each of the Applicants are favourable, the nature of the offense committed must be taken into account. The Applicants were convicted of Robbery with Violence, an offense that is both serious and violent, posing a significant threat to public safety and security.
8. Such crimes cause considerable harm to victims and create fear within the community. It is essential that sentences for such offenses reflect the gravity of the crime and serve as a deterrent to others. The sentence of eight years' imprisonment was already lenient, given the severity of the offense, and the period served thus far is insufficient to justify early release.
9. In light of these factors, I am not persuaded that a non-custodial sentence is appropriate at this time.
10. The Applicants shall continue to serve their sentences to completion.  
Orders accordingly.

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

**D. KAVEDZA**

**JUDGE**

