



**Mwaura v Republic (Criminal Revision E025 of 2024)
[2024] KEHC 10881 (KLR) (17 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 10881 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION E025 OF 2024
DR KAVEDZA, J
SEPTEMBER 17, 2024**

BETWEEN

DANIEL NJENGA MWAURA 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 Trafficking in Narcotic Drugs contrary to section 4(a) of the *Narcotic Drugs and Psychotropic Substances (control) Act* No. 4 of 1994. He was sentenced to serve 8 years imprisonment. He was also sentenced to pay a fine of Kshs. 4,248,000/=, in default to serve an additional 1-year imprisonment.
3. A Probation Report was filed with respect to the Applicant, indicating that the Applicant is left to serve 1 year and 6 months before release.
4. According to the said report, the applicant has been receptive to rehabilitation programs and is ready to serve a non-custodial sentence. He is remorseful and deeply regrets his actions. His family members, particularly his brother, is also ready to facilitate his progressive reintegration upon release.
5. The findings in the probation report are in favour of the applicant and I accordingly find that he can benefit from a non-custodial sentence.
6. I therefore order that the applicant be placed on probation for six (6) months, under the supervision of the Sub-County probation officer, Kibera.



7. File closed.

Orders accordingly.

RULING DELIVERED THIS 17TH DAY OF SEPTEMBER 2024.

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D. KAVEDZA

JUDGE

