



**Nagudi v Republic (Criminal Revision 185 of 2024)
[2024] KEHC 10869 (KLR) (17 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 10869 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 185 OF 2024
DR KAVEDZA, J
SEPTEMBER 17, 2024**

BETWEEN

AMINA NAGUDI 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*. She was sentenced to serve 5 years imprisonment.
3. A probation report was filed with respect to the applicant. As per the said report, the applicant has 2 years and 7 months left to complete her sentence. The report also indicates that the Applicant has been receptive to rehabilitation while in prison and that she regrets committing the offence.
4. However, the report notes that the Applicant is a foreigner with weak family and community ties, thus making her a flight risk, as she has no permanent residence. The victim, who is the applicant’s ex-husband, is also against her release since he is still traumatised about the ordeal.
5. The report concluded that the Applicant is not suitable for a non-custodial sentence and that she should serve her sentence to completion.
6. According to the findings in the report, it is my view that the Applicant is not suitable to serve a non-custodial sentence. I accordingly decline to release her under the decongestion exercise.



7. File closed.

Orders accordingly.

RULING DELIVERED THIS 17TH DAY OF SEPTEMBER 2024.

D. KAVEDZA

JUDGE

