



**Okwemba v Republic (Criminal Revision 207 of 2024)
[2024] KEHC 10822 (KLR) (17 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 10822 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 207 OF 2024
DR KAVEDZA, J
SEPTEMBER 17, 2024**

BETWEEN

EVANS OKWEMBA 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 defilement contrary to section 8(1) as read with 8(2) of the *Sexual Offences Act* No. 3 of 2006. He was sentenced to serve life imprisonment. Upon Appeal to the High Court, Mutende (J) substituted the sentence of life imprisonment with a sentence of twenty (20) years imprisonment, which the Applicant is currently serving.
3. A Probation Report was filed with respect to the Applicant, indicating that he has three (3) years left to complete her sentence. According to the said report, the applicant has been receptive to rehabilitation programs and is ready to serve a non-custodial sentence. He has expressed remorse and takes responsibility for his actions. 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.
4. I therefore order that the applicant be placed on Community service for twelve (12) months at Kawangware Chief’s Camp, under the supervision of Kawangware Location Chief.
5. File closed.



Orders accordingly.

RULING DELIVERED THIS 17TH DAY OF SEPTEMBER 2024.

D. KAVEDZA

JUDGE

