



**Onguti v Republic (Criminal Revision 233 of 2024)
[2024] KEHC 10875 (KLR) (17 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 10875 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 233 OF 2024
DR KAVEDZA, J
SEPTEMBER 17, 2024**

BETWEEN

ALEX ACHUTI ONGUTI 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 two counts for the offence committing an indecent act with a child contrary to section 11(1) of the *Sexual Offences Act* No. 3 of 2006. He was sentenced to serve ten (10) years imprisonment on both counts. Upon appeal to the High Court, Nzioka J ordered that the sentences should run concurrently.
3. According to the Prison Conduct Report dated 15th August 2024, the applicant has served four years and seven months of his sentence, with two years and two months remaining, after accounting for a remission period of three years and four months.
4. A Probation Report was filed with respect to the Applicant. According to the said report, the applicant has been receptive to rehabilitation programs and is ready to serve a non-custodial sentence. His family and the local administration are 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 unpaid Community Service for twelve (12) months at Kibera Health Centre, under the supervision of the Public Health Officer.

7. File closed.

Orders accordingly.

RULING DELIVERED THIS 17TH DAY OF SEPTEMBER 2024.

D. KAVEDZA

JUDGE

