



**Sammy v Republic (Criminal Revision 242 of 2024)  
[2024] KEHC 10910 (KLR) (17 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 10910 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
CRIMINAL REVISION 242 OF 2024  
DR KAVEDZA, J  
SEPTEMBER 17, 2024**

**BETWEEN**

**PETER MUSYOKI SAMMY ..... 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 being in possession of endangered wildlife trophy contrary to section 92(4) of the Wildlife Conservation Management Act CAP 376 Laws of Kenya. He was sentenced to pay a fine of Kshs. 200,000/= in default to serve one year imprisonment.
3. A Recommendation Letter from prison dated 15/08/2024 indicates that since his admission to the facility, the Applicant has of good behaviour and that he is receptive of rehabilitation programs.
4. A Probation Report was also filed with respect to the Applicant, indicating that the Applicant has served only one month of his sentence, and that he has not extensively benefitted from rehabilitation programs in prison. However, the local administration is not opposed to a non-custodial sentence for the Applicant, citing his old age. They are willing to facilitate his reintegration back into the community. The report suggested that the Applicant’s initial sentence be upheld to ensure that he benefits from rehabilitation programs in prison.
5. I agree with the findings of the report that the applicant has served barely a month of his sentence. He is yet to fully benefit from prison programs and counselling for successful rehabilitation. Besides, since



the Applicant's social support system could not be verified, it is my considered view that this will make supervision of non-custodial orders difficult.

6. I therefore find that the Applicant is not eligible for a non-custodial sentence and decline to release him under the decongestion exercise.

7. The file shall be returned back to the Lower Court for safe custody.

Orders accordingly.

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

**D. KAVEDZA**

**JUDGE**

