



**Wanjiku v Republic (Criminal Revision 169 of 2024)  
[2024] KEHC 10941 (KLR) (17 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 10941 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
CRIMINAL REVISION 169 OF 2024  
DR KAVEDZA, J  
SEPTEMBER 17, 2024**

**BETWEEN**

**SAMUEL MACHARIA WANJIKU ..... 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 his own plea of guilty for the offence of being in possession of narcotic drugs contrary to section 3(1) as read with 3(2) (a) of the *Narcotic and Psychotropic Act* No. 4 of 1994. He was sentenced to pay a fine of Kshs. 50,000/= in default to serve 12 months imprisonment.
  3. A probation report was filed with respect to the applicant. According to the said report, the applicant has been receptive to rehabilitation while in prison and he is remorseful about committing the offence. His family is also willing to support his reintegration.
  4. The findings in the probation report are in favour of the applicant and I accordingly find that he is eligible for a non-custodial sentence.
  5. I therefore order that the applicant be placed on community service for twelve (6) months at Waithaka Chief’s Camp, under the supervision of Waithaka Location chief.
  6. File closed.
- Orders accordingly.



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

**D. KAVEDZA**

**JUDGE**

