



Mutune v Republic (Miscellaneous Criminal Application E001 of 2024) [2024] KEHC 12152 (KLR) (14 October 2024) (Ruling)

Neutral citation: [2024] KEHC 12152 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
MISCELLANEOUS CRIMINAL APPLICATION E001 OF 2024**

**DR KAVEDZA, J
OCTOBER 14, 2024**

BETWEEN

THOMAS MUTUNE APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged and after a full trial convicted for the offence of trafficking in narcotic drugs contrary to section 4(a) of the *Narcotic Drugs and Psychotropic Substances (Control) Act* No. 4 of 1994. He was sentenced to serve 30 years. On appeal, his sentence was substituted with a sentence of fifteen (15) years imprisonment.
2. The probation report availed in court indicates that the applicant has a balance of 2 year and 1 months on his sentence. Additionally, the report indicates that the applicant is remorseful and prays that he be granted community service.
3. As for her conduct in prison, the applicant has attended a number of trainings and counselling sessions, which have been instrumental in his rehabilitation process. The applicant’s family is also committed to helping him effectively rehabilitate and ensure successful reintegration into the community.
4. In view of the foregoing, it is my finding that the applicant is eligible for early release as the report found in his favour. The applicant has been in custody for one year and three months. In my view, the applicant is eligible for a non-custodial sentence.
5. I therefore direct that the applicant be released forthwith. He is directed to report to Kibera Sub - County Probation Office for reintegration.

It is so ordered.

RULING DELIVERED VIRTUALLY THIS DAY 14TH OCTOBER 2024.



D. KAVEDZA
JUDGE

