



REPUBLIC OF KENYA



KENYA LAW
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**Kigen v Republic (Criminal Revision E676 of 2022)
[2023] KEHC 3753 (KLR) (20 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3753 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL REVISION E676 OF 2022**

HM NYAGA, J

APRIL 20, 2023

BETWEEN

MOSES AURA KIGEN APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant Moses Aura Kigen was convicted on his own plea of guilty for the offence of burglary contrary to section 304(2) and stealing contrary to Section 279 (b) of the [Penal Code](#).
2. On November 8, 2022 he was sentenced to serve 6 months' imprisonment.
3. He has so far served about 5 months in prison.
4. According to sentence Review Report filed on February 1, 2023 the Applicant is 20 years old and he schooled up to class 7. He has been conducting himself well while in prison and he is remorseful. The Community Service officer one Kevin Kariuki recommends he be placed on Community service.
5. Considering the Applicant has spent considerable time in prison and in the spirit of decongesting the prison, I hereby exercise judicial discretion and suspend the remainder of the prison term and order for his release from prison forthwith unless otherwise lawfully held.
6. File closed.

DATED, SIGNED & DELIVERED AT NAKURU THIS 20TH APRIL, 2023.

H.M. NYAGA

JUDGE

In the presence of:



C/A Jeniffer

Ms Murunga for state

Applicant -

