



**Kipchirchir v Republic (Revision Case E618 of 2022)
[2023] KEHC 3901 (KLR) (4 May 2023) (Ruling)**

Neutral citation: [2023] KEHC 3901 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E618 OF 2022**

HM NYAGA, J

MAY 4, 2023

BETWEEN

GILBERT KIPCHIRCHIR APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant Gilbert Kipchirchir Alias Mnandi was convicted on his own plea of guilty for the offence of Burglary contrary to Section 304(2) and handling stolen goods contrary to Section 322(1) (2) of the *Penal Code*.
2. He was sentenced to serve 18 months' imprisonment on each count on November 22, 2022.
3. In the Sentence Review Report filed on February 1, 2023, the Community Service Officer, Kevin Kariuki recommends community service.
4. According to the said Sentence report, the convict is married with two children. He admits having committed the offence and states that he has learnt his lesson.
5. With a view to decongest prison, I am of the view that this Court should invoke its unfettered discretion.
6. I therefore order that the Convict/Applicant be released from prison forthwith and be placed on Community Service at Kamara Chief's office for the remaining period of his sentence. He shall be closely supervised by the Chief, Kamara location who shall ensure the convict religiously performs any assigned community service to his satisfaction and weekly reports made to the Probation Officer, Nakuru who shall monitor the behaviour of the convict for the remainder of the sentence.
7. The applicant is, as required, made aware that in the event of a breach, the CSO order shall be revoked and he shall be returned to prison to serve the entire prison term imposed and not served.



8. File closed.

DATED, SIGNED & DELIVERED AT NAKURU THIS 4TH MAY, 2023.

H.M. NYAGA

JUDGE

In the presence of:

C/A Jeniffer

Ms Murunga for state

Applicant - absent

