



**Vidonye v Republic (Revision Case E639 of 2022)
[2023] KEHC 3940 (KLR) (4 May 2023) (Ruling)**

Neutral citation: [2023] KEHC 3940 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E639 OF 2022**

HM NYAGA, J

MAY 4, 2023

BETWEEN

CHARLES SALAMBA VIDONYE APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant Charles Salamba Vidonye was convicted on his own plea of guilty for the offence of Sabotage contrary to section 343 of the Penal Code and Stealing things forming part of Railway Contrary to section 279(d) of the Penal Code.
2. He was sentenced to serve 5 years' imprisonment on each count which were to run concurrently on April 7, 2021.
3. The Sentence Review Report filed on April 27, 2023, the Probation Officer, Elizabeth Kwamboka recommends community service.
4. According to the said Sentence report, the Prison officers state that the Applicant is attached at the industry where he has been engaging in carpentry work together with polishing wooden structures and has undertaken Christian facility courses in the facility. The said officers talk positively of the applicant describing him as a hardworking and disciplined person in the facility. The applicant plans to use the skills learnt in prison to earn a living if granted a non-custodial sentence.
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 Gilgil Township primary school for the remaining period of his sentence. He shall be closely supervised by the Chief, Gilgil 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 present

