



**Chepkosgei v Republic (Criminal Revision E024 of 2023)
[2023] KEHC 23776 (KLR) (19 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 23776 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL REVISION E024 OF 2023
JK SERGON, J
OCTOBER 19, 2023**

BETWEEN

MERCY CHEPKOSGEI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. Mercy Chepkosgei, hereinafter referred to as the Applicant was convicted of neglect of a child contrary to section 127 (1) as read with (b) of the [Children Act](#) No. 8 of 2001.
2. On 28th June, 2022, Hon. Aziza Ajwang, the then Resident Magistrate sentenced the Applicant to two years imprisonment.
3. The proceedings relating to the aforesaid case, that is Kericho CM Criminal Case No. E1272 of 2023 *Republic v Mercy Chepkosgei* were placed before this Court pursuant to the provisions of section 362 and 364 of the [Criminal Procedure Code](#).
4. The Probation Officer filed a sentence review report. In the said report it was noted that the applicant was remorseful, she was pleading for the Court's mercy citing that she will be a law abiding citizen. The prison authorities were of the view that the applicant had reformed, she was ready to take care of her child and was therefore suitable for a non-custodial sentence.
5. The probation officer while taking into consideration the sentiments by prison authorities that the applicant herein was a reformed person and was ready to take care of her child, recommended that the applicant completes the remaining term of her sentence while on a non-custodial sentence.
6. I have already stated the sentence pronounced by the then Learned Resident Magistrate. The Applicant has so far served one (1) year, four (4) months and she is remaining with eight (8) months to complete her sentence.



7. Having considered the fact that the sentence review report is favourable, I hereby order that the Applicant Namely:- Mercy Chepkosgei be released from Prison and ordered to serve the remainder of her sentence of Eight (8) months under Community Service Order (CSO) at Sachangwan Sub Location Assistant Chief's Office, under the supervision of the Area Assistant Chief.

DATED, SIGNED AND DELIVERED THIS 19TH DAY OF OCTOBER, 2023.

J.K. SERGON

JUDGE

