



**Kariuki v Republic (Criminal Appeal 43 of 2019)  
[2023] KEHC 23434 (KLR) (12 October 2023) (Judgment)**

Neutral citation: [2023] KEHC 23434 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KERUGOYA  
CRIMINAL APPEAL 43 OF 2019  
RM MWONGO, J  
OCTOBER 12, 2023**

**BETWEEN**

**TERENCE MUCHOKI KARIUKI ..... PETITIONER**

**AND**

**REPUBLIC ..... RESPONDENT**

**JUDGMENT**

1. The court in its Judgement of May 31, 2022, the Probation Officers Report and a Report of the Prisons Service to be availed in order to enable it to further consider option to the court on sentencing.
2. As at May 31, 2023 the appellant had 17 more months to serve. Now, four months later he has only 13 more months to serve.
3. As directed the Probation Officer’s Report indicates that the Applicant/Appellant’s attitude to the offence is one of remorse, and that he pleads for forgiveness and leniency. The report recommends that:  
  
“The inmate is suitable for community service order and recommends him to work at Kariti Chief’s Camp”.
4. The Prisons Report filed on October 5, 2023 states of the inmates:  
  
“He has no offence against Prisons Rules and Regulations. He is disciplined, hardworking and social to the other inmates as well as officers.....  
  
If given [a] second chance he will be useful to the community in nation building. Therefore, I can confirm that this inmate has reformed and fully rehabilitated as per the prison mandate”.



5. I have taken into account the two reports. In this final Judgment pursuant to the Judgment on May 31, 2023 I therefore order and direct as follows:
- a) The appellant's sentence is hereby reviewed to the effect that he shall serve the balance of his prison term in non-custodial community service at Kariti Chief's Camp under the supervision of the Chief, Kariti and the Probation Officer.
  - b) Such community service shall be for no more than twelve (12) months from the date hereof.
6. Orders accordingly.

**DATED AT KERUGOYA THIS 12<sup>TH</sup> DAY OF OCTOBER, 2023**

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**RICHARD MWONGO**

**JUDGE**

**In the presence of:**

Applicant - Present in Court

Onyango - Present for Applicant

Court Assistant - Murage

