



REPUBLIC OF KENYA



**Gware v Republic (Criminal Revision 224 of 2024)
[2024] KEHC 14071 (KLR) (12 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14071 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 224 OF 2024
DR KAVEDZA, J
NOVEMBER 12, 2024**

BETWEEN

NELSON GWARE APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This file was opened for purposes of considering whether the convict Nelson Gware is suitable for consideration of his sentence review in the spirit of prison decongestion pursuant to the Chief Justice Memo dated 7th December 2022.
2. The applicant was convicted for the offence of rape contrary to section 3(1)(a)(b) of the [Sexual Offences Act](#). He was sentenced to serve five years imprisonment.
3. From the record, I note that the applicant was convicted and sentenced on 28th November 2023. In my considered view, the period of less than 1 year served is not sufficient, as the Applicant has yet to serve a substantial portion of the sentence.
4. In view of the foregoing, it is my finding that the applicant is not eligible for early release.

Orders accordingly.

RULING DATED AND DELIVERED VIRTUALLY THIS 12TH DAY OF NOVEMBER 2024

D. KAVEDZA

JUDGE

