



**Musembi v Republic (Miscellaneous Criminal Application
47 of 2024) [2024] KEHC 15912 (KLR) (17 December 2024) (Ruling)**

Neutral citation: [2024] KEHC 15912 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
MISCELLANEOUS CRIMINAL APPLICATION 47 OF 2024**

**DR KAVEDZA, J
DECEMBER 17, 2024**

BETWEEN

ISAAC MUNYAO MUSEMBI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This file was opened for purposes of considering whether the convict Isaac Munyao Musembi 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 robbery with violence contrary to section 296(2) of the *Penal Code*. He was sentenced to death which was later commuted to life imprisonment. His sentence was later reduced to 30 years.
3. According to the Probation Report and the Recommendation letter from prison filed, the applicant has been receptive to Rehabilitation programs while in prison. The applicant's family is also committed to helping him effectively rehabilitate and ensure successful reintegration into the community.
4. The applicant has been in prison for eighteen (18) years. He has a balance of one (1) year and seven (7) months in consideration of remission. It is my view that the applicant is eligible for early release.
5. In view of the foregoing, I hereby order release of the inmate. He is to report to the probation officer Kibera Sub-county for re-integration.

RULING DATED AND DELIVERED VIRTUALLY THIS 17TH DAY OF DECEMBER 2024

D. KAVEDZA



JUDGE

