



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIVASHA

CORAM: R. MWONGO, J

HIGH COURT CRIMINAL CASE NO. 18 OF 2017

REPUBLIC.....PROSECUTOR

VERSUS

JOHN GITHENYE KAMAU.....ACCUSED

RULING ON DIRECTIONS

1. The applicant has filed a review of his sentence for manslaughter wherein he was sentenced to seven (7) years imprisonment by this court. The court's sentencing order included the following provision:

“15) In the circumstances, I sentence the accused to imprisonment for seven (7) years commencing from the date of his arrest and incarceration on the following conditions:

a) The Prisons Service shall maintain a detailed record of the accused's life and conduct whilst in prison which shall be availed to the court after the lapse of his first forty-two (42) months of incarceration, to determine whether the sentence shall be reviewed.

b) If the accused is involved in any criminal activities whilst serving sentence, the review mentioned in a) above shall be revoked.”

2. Following the Court's Order, the Prison's service has filed its Report dated 4th August 2021. The report states:

“As per his prison records. I wish to inform the court as follows:

Rehabilitation program: The accused has achieved a lot in handcraft (beadwork) activities, hobbies, carpentry and masonry.

Conclusion: The above named accused is a reformed, remorseful, skilled and disciplined person aged (43) years.

He will be self-reliant upon his release. In respect of the above, any assistance accorded to the said accused is highly recommended.”

3. In light of the above Report, the offender has maintained good conduct which justifies, in my view a review of his sentence. I take note of the fact that his sentence of 7 years commencing October, 2017 would in the event that he is granted remission of one third (1/3) of his term under the Prisons Act, mean he is to serve a sentence expiring after completion of 4 years and eight months. That would be in June, 2022.

4. Accordingly, I hereby review the accused's sentence to void the unserved balance of the term to the effect that he shall be released on 19th October, 2021 unless otherwise lawfully held. As 20th October is Mashujaa Day, it is apt that the offender should spend that day with his family.

5. It is further noted that the accused has also filed a sentence review application namely Miscellaneous Criminal Application No. E134 of 2021, seeking the review proposed in the judgment. That application having been disposed of herein, the Miscellaneous file is hereby overtaken by events. A copy of this order shall be placed on the Miscellaneous file.

6. The application file and this murder file are hereby both closed.

Administrative directions

7. Due to the current inhibitions on movement nationally, and in keeping with social distancing requirements decreed by the state due to the Corona-virus pandemic, this Judgment has been rendered through Teams tele-conference with the consent of the parties noted hereunder, who were also able to participate in the conference. Accordingly, a signed copy of this judgment shall be scanned and availed to the parties and relevant authorities as evidence of the delivery thereof, with the High Court seal duly affixed thereon by the Executive Officer, Naivasha.

8. A printout of the parties' written consent to the delivery of this judgment shall be retained as part of the record of the Court.

9. Orders accordingly.

DATED AND DELIVERED IN NAIVASHA BY TELECONFERENCE THIS 22ND DAY OF SEPTEMBER, 2021.

R. MWONGO

JUDGE