



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

MISC.APPL NO.154 OF 2019

SIMON NJOROGE KABUI.....PETITIONER

-VERSUS-

REPUBLIC.....RESPONDENT

RULING

1. This is a ruling on application for resentencing. The applicant was charged and convicted of the offence of **robbery with violence contrary to Section 296 (2) of the Penal Code** and sentenced. The applicant has exhausted his right of appeal by filing appeal in both the High Court and Court of Appeal.

2. He stated that while in prison he got opportunity to study and joined standard 6 and obtained 256 marks. He said that he joined form 1 but his secondary education was interrupted when he was transferred to Nakuru from Naivasha Prison to pursue his appeal and after appeal he was not able to continue with education due to TB infection.

3. The applicant stated that he started training in mechanics from Grade 3 to Grade 1. In 2012 he did motor vehicle electrical up to grade 1 in the year 2014. He said that he has been in charge workshop where mechanic, motor vehicle electrical and panel beating is done. He said he has been in charge and trainer of other inmates. He produced KCPE certificate and certificates of training.

4. Applicant also produced a recommendation letter from the officer in charge Nakuru Prison in charge wrote letter dated 9th September 2019 confirming that the applicant has been in prison for 18 years as at the time of writing the letter. He confirmed that the applicant has trained in motor vehicle mechanics grade III, III and I from NITA, Trade test in motor vehicle Electrician grades III, II, and I from NITA and certificate of Primary Education in 2004. He confirmed that the applicant has been in charge of prison industries in motor vehicle for 3 years at the time of writing the letter.

ANALYSIS AND DETERMINATION

5. From the above there is no doubt that the applicant has reformed and has gained trainings, which will assist him maintain himself and support his family. He will also be useful to the community and the country while out of prison than while in prison.

6. He has served a period of 18 years and in view of the fact that he has reformed and has skills that will enable him earn a living; it is unlikely that he will engage in criminal activities. I also believe that being in prison for such a long period has given him opportunity to reflect about his life.

7. I am of the view that the 18 years the applicant has served in prison is sufficient and he should be reconnected to family and community.

8. FINAL ORDER

1. 18 years that applicant has served is sufficient.

2. Applicant is hereby released.

Ruling dated, signed and delivered at Nakuru this 20th day of February 2020

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RACHEL NGETICH

JUDGE

IN THE PRESENCE OF:

Schola – Court Assistant

Rita for State

Accused in person