

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KITALE

MISCELLANEOUS CRIMINAL APPLICATION NO. 40 OF 2019

ALEXANDER WANYAGA WERE.....APPLICANT

VERSES

REPUBLIC.....RESPONDENT

RULING

1. The Applicant herein was convicted of murder and after full trial was sentenced to 7 years' imprisonment. Through his application dated 11th February 2019 he has prayed that he be released on medical grounds and be allowed to serve the rest of the sentence under probation. He said that he has been unwell and he has attached medical documents to exhibit the same.
2. According to the medical documents including the letter from the Medical Officer Kitale County hospital the Applicant is suffering from type II diabetes and survives on insulin daily. The letter from the Prison Clinic attached to it states as much.
3. When the matter came up for hearing the learned state counsel did not oppose the same arguing that the applicant has served substantial part of his 7-year sentence.
4. The other documents in support are from prisons authorities showing that the Applicant who was a teacher has continued with the trade while in prison.
5. For the above medical condition of the Applicant as well as the fact that he has behaved well in prison and that he has served close to three years in prison, this court finds the application meritorious.
6. The application is hereby allowed; the Applicant is hereby set free unless lawfully held. The Applicant shall however serve a Probation period of one year under the relevant probation officer.

Dated, Signed and Delivered at Kitale this 15th day of October 2020.

H. K. CHEMITEI

JUDGE

15/10/2020

In the presence of:-

Mr Omooria for Respondent

Court Assistant – Kirong

Applicant – present

Ruling read in open court.