



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT EMBU**

**CRIMINAL REVISION CASE NO. 270 OF 2013**

**MARY NJOKI NYAGA.....APPLICANT**

**VERSUS**

**REPUBLIC ..... RESPONDENT**

**R U L I N G**

The Applicant's probation report is now before me. Its a very detailed report. Given the applicant's mental state she cannot be entrusted with the care of the children. She was accused of neglecting and mishandling her children. The welfare of these children is of paramount importance above everything else. She will therefore not be allowed to mess with these children's lives and she should not be given their custody as observed by the learned trial Magistrate.

However, because of her mental condition she should be allowed to access medication and social support. I therefore set aside the 4 years sentence and substitute it with placement on probation for three (3) years. The Probation County office Embu to take full charge of the applicant's matter.

**H.I. ONG'UDI**

**J U D G E**

**13/2/2014**