



**Muthee v Republic (Miscellaneous Criminal Application
E202 of 2025) [2026] KEHC 2332 (KLR) (25 February 2026) (Ruling)**

Neutral citation: [2026] KEHC 2332 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
MISCELLANEOUS CRIMINAL APPLICATION E202 OF 2025**

DR KAVEDZA, J

FEBRUARY 25, 2026

BETWEEN

JOSEPH MACHARIA MUTHEE APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged and convicted for robbery with violence contrary to section 296(2) of the Penal Code. He was sentenced to death by the trial court. His appeal to this court was dismissed vide Nairobi Criminal Appeal No. 698 of 2010. He was later resented to serve thirty years imprisonment.
2. The Applicant has filed the present application seeking release on a non-custodial sentence. He states that he has been in custody for the last seventeen (17) years and, taking remission into account, has approximately three (3) years remaining. He avers that he has undergone rehabilitation, is reformed, and is ready to reintegrate into society. He prays that the remaining term be served on probation.
3. This Court called for a probation report. The report indicates that the Applicant is aged 52 years. His family members and the local administration spoke favourably of him and expressed their readiness to receive and support him upon release. It was further indicated that he has two (2) years and ten (10) months of the sentence remaining. The report was favourable.
4. Having considered the application and the probation report, the application is merited. The Applicant shall serve the remainder of his sentence, being two (2) years and ten (10) months, on probation under the supervision of the Kibra Probation Officer.

RULING DATED AND DELIVERED VIRTUALLY THIS 25TH DAY OF FEBRUARY 2026.



D. KAVEDZA
JUDGE

