

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KIBERA
MISC. CRIMINAL APPLICATION NO. E207 OF 2025

MARJAN JUMA HAMISI.....APPLICANT

VERSUS

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 serve 20 years imprisonment. Being dissatisfied with the conviction and sentence, appealed to the High Court of Kenya at Milimani vide Criminal Appeal No. HCCR 42 of 2018 and again petitioned at this court vide Review No. E018 under Section 333 (2) and the period spent in custody was considered and deducted from the sentence of 20 years.
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 eleven (11) years and five (5) months, taking remission into account, has approximately two (2) years and 1 month 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. 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 one (1) month 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, on probation under the supervision of the Kibra Probation Officer.

Orders accordingly.

Ruling dated and delivered virtually this 10th day of March, 2026

**D. KAVEDZA
JUDGE**

In the presence of:

Applicant Present
Mutuma for the Respondent
Karimi Court Assistant.