

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT KIBERA**  
**CRIMINAL REVISION NO. 1 OF 2026**

NELSON MANDELA MUKHWANA .....

.....APPLICANT

VERSUS

REPUBLIC.....

RESPONDENT

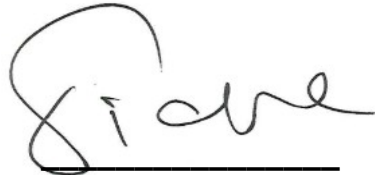
**RULING**

1. This file was opened for purposes of considering whether the convict Nelson Mandela Mukhwana is suitable for consideration of his sentence review in the spirit of prison decongestion pursuant to the Chief Justice Memo dated 7<sup>th</sup> December 2022.
2. The applicant was charged with and convicted of the offence of assault causing actual bodily harm contrary to section 251 of the Penal Code, for which he was sentenced to serve three (3) years' imprisonment.
3. In support of the present application, the applicant states that while in custody he has maintained good conduct and has undertaken various rehabilitative programmes.
4. Notwithstanding the foregoing, participation in rehabilitation programmes and good prison conduct do not, of themselves, automatically entitle an offender to early release under the decongestion programme. The Court must also weigh the nature of the offence, the sentence imposed, and the broader interests of justice.
5. Having considered all relevant factors, I find that the applicant is not eligible for early release under the decongestion programme and shall accordingly serve the remainder of his sentence to completion.

Orders accordingly.

**Ruling dated and delivered virtually this 9<sup>th</sup> day of April**

**2026**



**D. KAVEDZA**  
**JUDGE**

ORIGINAL