

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KIBERA
CRIMINAL REVISION NO. 12 OF 2026

FELIX TUTI MUTENYO.....
....APPLICANT

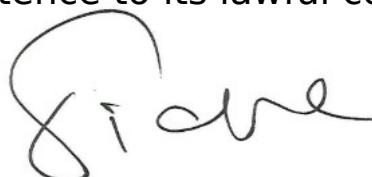
VERSUS

REPUBLIC.....
RESPONDENT

RULING

- 1.This file was opened for purposes of considering whether the convict Felix Tuti Mutenyo is suitable for consideration of his sentence review in the spirit of prison decongestion pursuant to the Chief Justice Memo dated 7th December 2022.
- 2.The applicant was charged with the offence of stealing contrary to section 268 as read together with section 275 of the Penal Code.
- 3.The record shows that the applicant entered a plea of guilty at the earliest opportunity and was thereafter convicted on his own plea. In doing so, he saved judicial time and spared the prosecution the necessity of calling witnesses. The trial court duly took that mitigating factor into account and imposed a custodial sentence of two (2) years' imprisonment, which was lawful and lenient in the circumstances.
- 4.Having considered the nature of the offence, the sentence imposed, and the relevant criteria governing eligibility for release under the decongestion programme, this Court is not satisfied that the applicant qualifies for early release thereunder. The sentence imposed remains valid and ought to be served in accordance with the orders of the trial court.
- 5.Accordingly, the applicant shall continue to serve the remainder of the sentence to its lawful completion.

Orders accordingly.



**Ruling dated and delivered virtually on this 9th Day of
April 2026**

**D. KAVEDZA
JUDGE**

ORIGINAL