



**Muthee v Republic (Criminal Revision 344 of 2024)  
[2025] KEHC 3707 (KLR) (26 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 3707 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
CRIMINAL REVISION 344 OF 2024  
DR KAVEDZA, J  
MARCH 26, 2025**

**BETWEEN**

**SAMUEL MAINA MUTHEE ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. This file was opened for purposes of considering whether the convict Samuel Maina Muthee 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 convicted of the offense of stealing by servant contrary to section 268(1) as read with section 281 of the *Penal Code*. He was sentenced to three years imprisonment.
3. The convict stole a substantial sum of money; however, he has not provided any proposal regarding how he intends to repay the stolen amount. Additionally, the applicant still has a balance of two years and four months remaining on his sentence. After carefully reviewing the circumstances surrounding the applicant’s conviction, it is clear that the offense committed is extremely serious.
4. As such, I find that the applicant is not eligible for early release under the decongestion program. The applicant is hereby ordered to serve the remainder of his sentence to completion.

Orders accordingly.

**RULING DATED AND DELIVERED VIRTUALLY THIS 26<sup>TH</sup> DAY OF MARCH 2025**

.....

**D. KAVEDZA  
JUDGE**

