



**Atenya v Republic (Criminal Revision 106 of 2023)
[2024] KEHC 6334 (KLR) (30 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 6334 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 106 OF 2023**

DR KAVEDZA, J

MAY 30, 2024

BETWEEN

ROSEMARY ISIGI ATENYA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This file was brought before me for the decongestion exercise pursuant to the Chief Justice's memo dated 7/12/2022, which provides that inmates who are serving three (3) years imprisonment or less, or those serving long sentences but have a balance of three (3) years or less may be considered for non-custodial sentences.
2. The applicant was charged and after a full trial convicted for the offence of stealing contrary to section 268(1) as read with section 275 of the Penal Code. She was sentenced to serve two (2) years imprisonment.
3. The probation report availed in court indicates that the applicant has a balance of four months on her sentence. Additionally, the report indicates that the applicant is remorseful and prays that he be granted community service.
4. As for her conduct in prison, the applicant has attended a number of trainings and counselling sessions, which have been instrumental in his rehabilitation process. The applicant's family is also committed to helping him effectively rehabilitate and ensure successful reintegration into the community.
5. In view of the foregoing, it is my finding that the applicant is eligible for early release as the report found in his favour. The applicant has been in custody for one year and 3 months. This, in my view, is sufficient sentence served by the applicant.



6. I therefore set aside the sentence of two (2) years imprisonment and substitute it with an order that the applicant has served a sufficient sentence.
7. Consequently, the applicant shall forthwith be set at liberty unless otherwise lawfully held.

It is so ordered.

RULING DELIVERED VIRTUALLY THIS DAY 30TH DAY OF MAY 2024.

D. KAVEDZA

JUDGE

