



**Lingiso alias Fura v Republic (Criminal Revision 76 of 2024)
[2024] KEHC 6330 (KLR) (28 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 6330 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 76 OF 2024**

DR KAVEDZA, J

MAY 28, 2024

BETWEEN

FRANCIS LINGISO ALIAS FURA 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 convicted for the offence of preparation to commit a felony contrary to section 308 (1) of the *Penal Code*. After a full trial he was convicted and sentenced to serve seven (7) years imprisonment. The probation report availed in court indicates that the applicant has a balance of 2 years on his sentence. Additionally, the report indicates that the applicant is remorseful and prays that he be granted community service.
3. As for his 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.
4. In view of the foregoing, it is my finding that the applicant is eligible for early release as the report found in his favour. In my view, the applicant is eligible for a non-custodial sentence.
5. I therefore direct that the applicant be placed on probation under the community service order for a period of six (6) months.

It is so ordered.



RULING DELIVERED VIRTUALLY THIS DAY 28TH DAY OF MAY 2024.

D. KAVEDZA

JUDGE

