



**Kifunwa alias Kevo v Republic (Criminal Revision 81 of 2024)
[2024] KEHC 6331 (KLR) (27 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 6331 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 81 OF 2024**

DR KAVEDZA, J

MAY 27, 2024

BETWEEN

KEVIN KIFUNWA ALIAS KEVO 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 burglary contrary to section 304 (2) of the *Penal Code*. He sentenced to pay a fine of Kshs. 270,000 in default to serve two years imprisonment. The probation report availed in court was favourable. 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 an alternative sentence.
5. I therefore substitute the sentence of payment of a fine of Kshs. 270,000 in default to serve 2 years imprisonment and substitute it with a fine of Kshs. 270,000 in default to serve 12 months imprisonment.

RULING DELIVERED VIRTUALLY THIS DAY 27TH DAY OF MAY 2024.



D. KAVEDZA
JUDGE

