



**Otieno v Republic (Criminal Revision 80 of 2024)
[2024] KEHC 6333 (KLR) (27 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 6333 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 80 OF 2024**

DR KAVEDZA, J

MAY 27, 2024

BETWEEN

JAMAL OTIENO 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 being in possession of narcotic drugs contrary to section 3(1)(2) of the *Narcotic Drugs and Psychotropic Substances (Control) Act*, No. 4 of 1994. He was sentenced to serve three (3) 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 three years imposed and direct the applicant be placed on community service under the supervision of the Officer Commanding Station Parklands Police Station for a period of eight (8) months.



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

D. KAVEDZA

JUDGE

