



**Oyindi v Republic (Criminal Revision 100 of 2024)
[2024] KEHC 6309 (KLR) (27 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 6309 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 100 OF 2024**

DR KAVEDZA, J

MAY 27, 2024

BETWEEN

JAMES ODHIAMBO OYINDI 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 trafficking in narcotic drugs contrary to section 4(a) of the *Narcotic Drugs and Psychotropic Substances Control Act* No. 4 of 1994. He was sentenced to serve 10 years in addition to payment of a fine of Kshs. 7,385,150 in default to serve an additional 1 year imprisonment.
3. The probation report availed in court indicates that the applicant has a balance of 1 year and 5 months on his 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 three months. In my view, the applicant is eligible for a non-custodial sentence.



6. I therefore direct that the applicant be placed on probation for a period of one (1) year.
It is so ordered.

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

D. KAVEDZA

JUDGE

