



REPUBLIC OF KENYA



**Rotich v Republic (Revision Case E166 of 2023)
[2023] KEHC 22056 (KLR) (22 August 2023) (Revision)**

Neutral citation: [2023] KEHC 22056 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E166 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

DENNIS KIPYEGON ROTICH APPLICANT

AND

REPUBLIC RESPONDENT

REVISION

1. This matter has been brought to me under the Prison Decongestion Exercise been undertaken by this court.
2. The Applicant, Dennis Kipyegon Rotich was convicted for the offence of assault causing actual bodily harm contrary to section 251 of the [Penal Code](#) and sentenced to serve 18 months' imprisonment on June 5, 2023.
3. He has so far served about 3 months in prison.
4. According to the Sentence Review Report filed on July 28, 2023, the Community Service Officer, Ondari Lilian, recommends Community Service at Mauche Police Station for the remainder of his sentence.
5. The report further states that the inmate completed his primary education and did not proceed to Secondary school due to financial challenges. Prior to the offence, he used to perform farm hand casual jobs.
6. The inmate engaged in farming activities while in prison. He plans to continue with the activity back home if he is granted the chance to serve a non-custodial sentence.
7. In light of the above and with the view to decongest the prison, I hereby exercise judicial discretion and order the Convict/Applicant be released from prison forthwith and be placed on Community Service at Mauche Police station for the remainder of his sentence. He shall be closely supervised by the Chief,



Kamasai location who shall ensure the convict religiously performs any assigned community service to his satisfaction and weekly reports made to the Probation Officer, Nakuru who shall monitor the behaviour of the convict for the remainder of the sentence.

8. The applicant is, as required, made aware that in the event of a breach, the CSO order shall be revoked and he shall be returned to prison to serve the entire prison term imposed and not served.
9. File closed.

DATED, SIGNED & DELIVERED AT NAKURU THIS 22ND AUGUST, 2023.

H.M. NYAGA

JUDGE

In the presence of:

C/A Jeniffer

Ms Murunga for state

Applicant

