



**Republic v Murithi (Criminal Revision E13 of 2023)  
[2024] KEHC 12063 (KLR) (8 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 12063 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NANYUKI  
CRIMINAL REVISION E13 OF 2023  
AK NDUNG’U, J  
OCTOBER 8, 2024**

**BETWEEN**

**REPUBLIC ..... APPLICANT**

**AND**

**JOSEPH KARIUKI MURITHI ..... RESPONDENT**

**RULING**

1. The Applicant moved this court vide an undated application seeking that his sentence be reduced to the extent of the period he was in remand during the pendency of his trial, a period of 2 years and 2 months.
2. It is instructive that the Applicant had lodged an appeal which appeal was dismissed on 15<sup>th</sup> June 2023.
3. Material was placed before me showing that at the time of trial, the Applicant was serving sentence in Criminal Case No. 95 of 2016. He appealed against sentence and judgement delivered on 5<sup>th</sup> February 2019 where the conviction was quashed.
4. Judgement in the lower court in this trial was delivered on 23rd April 2021. It means therefore that the Applicant was in custody for 2 years and 2 months during the pendency of the trial.
5. Section 333(2) of the *Criminal Procedure Code* requires the court to take into account the period of incarceration before judgement.
6. I am alive that the court has already delivered itself affirming the sentence on appeal.
7. I note that the Applicant has all along represented himself and am alive to the challenge arising from inability to put forward cogent legal arguments or reliance on sections of the law that would favour him.



8. In the interests of justice, and noting that I have confirmed the period served in remand, the higher calling to justice for the Applicant would require that he be allowed to benefit from the provision in Section 333(2) of the *Criminal Procedure Code*.
9. With the result that the sentence of 10 years imprisonment affirmed by this court on appeal is set aside and substituted with a sentence of 10 years imprisonment to run from 5<sup>th</sup> February 2019.

**DATED SIGNED AND DELIVERED THIS 8<sup>TH</sup> DAY OF OCTOBER 2024.**

**A.K. NDUNG’U**

**JUDGE**

