



**Mandimba v Republic (Criminal Appeal 22 of 2024)
[2024] KEHC 9829 (KLR) (30 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 9829 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL APPEAL 22 OF 2024
DR KAVEDZA, J
JULY 30, 2024**

BETWEEN

SILAS MANDIMBA APPELLANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant filed an undated chamber summons application seeking revision of his sentence. He urged this court to invoke section 333(2) of the criminal Procedure Code and consider the period of eleven months which he spent in pre-trial custody, from 7th August 2010 to 7th June 2011.
 2. The appellant was charged and convicted for the offense of sexual assault. He was sentenced to serve twenty (20) years' imprisonment.
 3. This matter came up for mention for directions on 30/07/2024. During the proceedings, it was highlighted that the trial court record had not yet been availed despite several follow-ups. However, the prisons confirmed that the applicant is left with only two (2) months to serve.
 4. According to the Chief Justice's memo dated 07/12/2022, inmates who are serving long sentences and have a balance of three (3) years or less may be considered for non-custodial sentence.
 5. In line with the aforementioned memo, I hereby set aside the twenty (20) years custodial sentence imposed by the trial court and substitute it with an order that the applicant has served sufficient sentence.
 6. The applicant shall forthwith be set at liberty unless otherwise lawfully held.
- It is so ordered.

RULING DELIVERED THIS DAY 30TH DAY OF JULY 2024



D. KAVEDZA

JUDGE

In presence of:

Mr. Mong'are for the Respondent

Applicant present on the virtual platform

Nelson Court assistant

