



**Rwathe v Republic (Revision Case E080 of 2024)  
[2024] KEHC 16301 (KLR) (Crim) (20 December 2024) (Ruling)**

Neutral citation: [2024] KEHC 16301 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYANDARUA  
CRIMINAL  
REVISION CASE E080 OF 2024  
CM KARIUKI, J  
DECEMBER 20, 2024**

**BETWEEN**

**PETER MWANGI RWATHE ..... APPELLANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The application via application undated he seeks reduction of sentence of twenty years imprisonment imposed after conviction on offence of defilement under section 8(1) and 8(3) *Sexual offence Act* No. 3 of 2006.
2. The sentence was minimum mandatory as the girl victim was after fifteen (14) years *vide* the provisions cited and Supreme Court Petition 18/2023 *Republic -versus – Joshua Gichuki*.
3. After the court intimated that during hearing the sentence cannot be reduced as sought. The applicant raised the issue of taking to account of period spent in custody prior to sentence under section 333 *CPC* Cap 75 Laws of Kenya.
4. The state did not oppose for the court to deal with issue and make appropriate order.
5. The appellant took plea on 25/7/2017 and was granted a bond of Kshs. 300,000 with one surety of similar amount.
6. He did not raise the amount but stayed in custody up to 3/7/2018 though the record does not show when he was released on bond.
7. The release order on record is dated 3/7/2018 thus, court to rely on the same.



8. The sentencing on 17/1/2019 did not allude to the period spent in custody thus the court under section 333 can direct the twenty years to be computed from 25/7/2017 when accused appeared in court and was in custody of a period of about one year thus the prisons will compute twenty years(20) imprisonment with effect from 25/7/2017.

9. Orders accordingly.

**RULING DATED, SIGNED AND DELIVERED AT NYANDARUA THIS 20<sup>TH</sup> DAY OF  
DECEMBER 2024**

.....

**C KARIUKI**

**JUDGE**

