



**Kirangi v Republic (Miscellaneous Application E054 of 2022)
[2023] KEHC 24171 (KLR) (25 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 24171 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VOI
MISCELLANEOUS APPLICATION E054 OF 2022
GMA DULU, J
OCTOBER 25, 2023**

BETWEEN

AMOS KIRANGI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This is an application for re-hearing of sentence filed by the applicant.
2. The applicant was convicted of sexual assault contrary to Section 5(1) (a) (i) as read with Section 5(2) of the *Sexual Offences Act*, and sentenced to ten (10) years imprisonment.
3. He appealed to this court in Voi High Court Criminal Appeal no E108 of 2021, and his appeal was dismissed.
4. He has now come to this court seeking review of his sentence, relying on Section 333(2) of the *Criminal Procedure Code* (Cap.75).
5. I note that before sentencing, the appellant was allowed by the trial court to mitigate. He has however come to this court stating that the period he was in custody before conviction from 30th July 2019 to 9th December 2021 be computed in his prison sentence.
6. The Director of Public Prosecutions does not challenge the above period in custody, but states that this court has no jurisdiction to review the sentence following the applicant's unsuccessful appeal to the High Court.
7. Having considered the entire matter and all arguments of the parties, I find that the period in custody was not factored in the prison sentence, and in line with recent High Court decisions in similar matters, I allow the application and order that in accordance with the provisions of Section 333(2) of the



Criminal Procedure Code, the period from 30th July 2019 to 9th December 2021, be and is hereby reduced from the applicant's prison sentence. It is so ordered.

DATED, SIGNED AND DELIVERED THIS 25TH DAY OF OCTOBER 2023 AT VOI IN OPEN COURT.

GEORGE DULU

JUDGE

In the presence of:-

Alfred – Court Assistant

Applicant

Mr. Sirima for State

