



REPUBLIC OF KENYA



**Anuri v Republic (Criminal Revision E030 of 2020)  
[2022] KEHC 426 (KLR) (Crim) (24 May 2022) (Ruling)**

Neutral citation: [2022] KEHC 426 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

**CRIMINAL  
CRIMINAL REVISION E030 OF 2020**

**DO OGEMBO, J**

**MAY 24, 2022**

**BETWEEN**

**HESBON MOCHIEMO ANURI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant, Hesbon Mochemo Aroni, files a Notice of Motion application herein on September 21, 2020. The said application seeks revision of the sentence of the applicant to account for a period of 2 years and 4 months that the applicant remained in remand custody awaiting the determination of his case. The prosecution side chose to let the court decide on the matter.
2. I have considered the application of the applicant. I have also carefully considered the proceedings before the lower court. The record show that the applicant was first arraigned in court on March 6, 2018 with a main charge of attempted defilement contrary to section 9(1)(2) of the *Sexual Offences Act*, No. 3 of 2006.
3. The record also shows that in his mitigation of June 16, 2020, the applicant raised the issue that he had been in custody for 2½ years. and in the sentencing proceedings of July 6, 2020, the court noted the mitigation of the applicant raised the issue that he had been in custody for 2½ years. and in the sentencing proceedings of July 6, 2020, the court noted the mitigation of the applicant. The court went on to sentence the applicant to serve 10 years imprisonment. The court however, did not consider the 1 year 7 months that he had been in custody (this according to the sentence proceedings). It ought to have done so.
4. It is for this reason that I find merit in the application of the applicant filed herein on September 21, 2020. I accordingly revise the sentence of the applicant. The applicant shall serve an imprisonment



terms of 10 years less a period of 1 year, 7 months that he remained in remand custody. The sentence on July 6, 2020. Orders accordingly.

**HON. DO. O. OGEMBO**

**JUDGE**

**24.5.2022**

**Court:**

Ruling read out in open court (on-line in presence of the applicant (Kamiti medium) and Mr. Kiragu for the state.

**HON. DO. O. OGEMBO**

**JUDGE**

**24.5.2022**

