



REPUBLIC OF KENYA



KENYA LAW
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**Bulemi v Republic (Criminal Revision 79 of 2019)
[2022] KEHC 10692 (KLR) (Crim) (29 June 2022) (Ruling)**

Neutral citation: [2022] KEHC 10692 (KLR)

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

**CRIMINAL
CRIMINAL REVISION 79 OF 2019**

LN MUTENDE, J

JUNE 29, 2022

BETWEEN

PHILEMON BULEMI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. Philemon Bulemi, the applicant, was tried by Kamau RM for the offence of defilement of a child aged 13 years, convicted and sentenced to serve ten (10) years imprisonment.
2. On the 22nd October, 2021 he filed an application seeking review of the trial court's sentence on the allegation that it did not comply with Section 333(2) of the [Criminal Procedure Code](#) that provides thus:

Subject to the provisions of section 38 of the [Penal Code](#) (Cap. 63) every sentence shall be deemed to commence from, and to include the whole of the day of, the date on which it was pronounced, except where otherwise provided in this Code.

Provided that where the person sentenced under subsection (1) has, prior to such sentence, been held in custody, the sentence shall take account of the period spent in custody.

3. In meting out the sentence, the trial court stated that:

“I have considered the duration the accused has been in custody and looked at Section 11 (1) of [Sexual Offences Act](#).”
4. The trial court having complied with the law I have no reason to interfere with the decision of the court.



5. It is so ordered

DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI THIS 29TH DAY OF JUNE, 2022.

L. N. MUTENDE

JUDGE

In the presence of:

Applicant

Mr. Kiragu - ODPP

Court Assistant – Mutai

