



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
Where Legal Information is Public Knowledge

**Tsimtori v Republic (Criminal Revision E014 of 2022)  
[2022] KEHC 12394 (KLR) (3 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 12394 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAMIRA  
CRIMINAL REVISION E014 OF 2022**

**JN KAMAU, J  
AUGUST 3, 2022**

**BETWEEN**

**NANCY MIDEVA TSIMTORI ..... APPLICANT**

**AND**

**THE REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant was charged with two (2) counts of obtaining money by false pretence contrary to Section 313 of the Penal Code Cap 63 (Laws of Kenya). He was arraigned in court on 11/12/2020 having been arrested on 9/12/2020. He was convicted and fined Kshs. 100,000/= in default to serve three(3) years imprisonment on 27/7/2021. His early release date as per prison is 27/7/2023. The period from the date he was arrested and the date he was sentenced ought to be taken into account while computing his sentence as he was in custody during trial in line with section 333(2) of the Criminal Procedure Code Cap 75 (Laws of Kenya). The report of Edwin Kimaiyo Probation/community Service Officer that was filed on 1/8/2022 has recommended a non-custodial sentence. Accordingly, I hereby direct that the Applicant be released from custody to serve community service order at Ekerenyo Police Station until 9/1/2023. Orders accordingly.

**DATED AND DELIVERED AT NYAMIRA ON THIS 3<sup>RD</sup> AUGUST 2022**

**J. KAMAU**

**JUDGE**

