



**Shitawa v Republic (Criminal Petition 47 of 2019)
[2025] KEHC 2393 (KLR) (6 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 2393 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL PETITION 47 OF 2019
E OMINDE, J
MARCH 6, 2025**

BETWEEN

PATRICK SHITAWA PETITIONER

AND

REPUBLIC RESPONDENT

RULING

1. The Petitioner herein moved this Court by way of an oral application on 13th February 2025. He prays to Court that as provided under Section 333(2) of the Criminal Procedure Code, the Court considers and factors into his sentence the period of 18 months that he was in remand custody during the trial.
2. He states that he was charged with the offence of defilement contrary to Section 8(1) as read with Section 8(3) of the Sexual Offences Act No. 3 of 2006, convicted and sentenced to 20 years' imprisonment.
3. Counsel for the State in his oral response to this Application stated that for reasons that the cited provision of the law is mandatory and that if the applicant was indeed in remand custody as stated, he concedes that the period of 18 months can be factored into the applicant's 20-year sentence.
4. I have perused the record of proceedings of sentencing. It clearly indicates that the period that the applicant spent in remand was excluded from the 20-year imprisonment sentence. I agree with the prosecution that this provision is mandatory and so without much ado, I allow the Application and direct the period of 1 year and 4 months that the applicant spent in remand be computed in his sentence of 20 years' imprisonment.
5. Right of Appeal 14 days

READ DATED AND SIGNED AT ELDORET ON 6TH MARCH 2025.

E. OMINDE



JUDGE

