



**Simiri v Republic (Miscellaneous Criminal Application  
E018 of 2022) [2025] KEHC 6543 (KLR) (22 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 6543 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAROK  
MISCELLANEOUS CRIMINAL APPLICATION E018 OF 2022**

**CM KARIUKI, J**

**MAY 22, 2025**

**BETWEEN**

**MOSES SIMIRI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant was charged with offence of defilement contrary of Section 8(1) as read with Section 8(2) having being alleged to have defiled a 6 year old girl. He was convicted and sentenced to life imprisonment.
2. He seeks review of sentence and credit for the period he spent in custody prior to conviction and sentence.
3. However, the Supreme Court has now ruled in the Republic Vs. Josiah Gichuki Case that mandatory minimum sentence cannot be reduced. As to Section 333(2) *Criminal Procedure Code* Cap 75, same is only applicable where number of years awarded as a prison sentence. Life sentence has no quantification so far thus the court can not credit Applicant with period spent in custody as sought.

This application is rejected accordingly.

**DATED AND DELIVERED THIS 22<sup>ND</sup> MAY, 2025.**

**HON. JUSTICE CHARLES KARIUKI**

**JUDGE**

