



**Karanja v Republic (Criminal Revision 300 of 2024)
[2025] KEHC 10235 (KLR) (16 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 10235 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL REVISION 300 OF 2024
RN NYAKUNDI, J
JULY 16, 2025**

BETWEEN

JOSEPH NJUGUNA KARANJA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. What is pending before this court for determination is a Notice of Motion Application dated 7th June 2024 I which the Applicant is seeking the following orders:
 - a. Spent
 - b. That the honorable court be pleased to take into account the period that the Applicant has served in remand pending trial.
 - c. That the applicant be exempted from paying costs as he is a pauper
2. The Application is based on the following grounds:
 - a. That the Applicant was charged before CM's Magistrate Court in Eldoret with the offence of robbery with violence Contrary to section 296(2) of the penal code vide CR 2690 of 2012
 - b. That the Applicant was tried, convicted and sentenced to serve death sentence imprisonment and was later commuted to life imprisonment
 - c. That the sentence was later reduced to Twenty (20) years imprisonment in HCCRA No. 49 of 2024
 - d. That the trial magistrate during sentencing failed to consider the time spent by the Applicant while in remand during the pendency of the hearing of the suit



- e. That the Applicant spent about 1 year and 7 months in remand during trial
3. The Application is supported by the annexed Affidavit sworn by the Applicant herein who avers as follows;
 - a. That I am the Applicant herein and I am well informed about this matter hence competent to swear this affidavit
 - b. That I was charged before Chief Magistrate's Court in Eldoret with the offence of robbery with violence Contrary to section 296(2) of the penal code vide CR 2690 of 2012
 - c. That I was tried, convicted and sentenced to serve twenty (20) years imprisonment
 - d. That the trial magistrate during sentencing failed to consider the time I spent while in remand during the pendency of the hearing of the suit
 - e. That I was arrested on 26/06/2012 where I undergone trial till 5/1/2014 where the judgment was delivered
 - f. That I have spent 1 year 7 months in remand during the hearing of the main suit

Decision

4. In the case at bar the applicant was arrested and charged with offence of robbery with violence contrary to section 296 of the penal code. He was tried before the Chief's Magistrate Court in Eldoret and in the final judgment dated 10th March 2014 he was found guilty, convicted and sentenced to suffer death. He was later to appeal to the High Court and in criminal appeal No. 49 of 2014 his death sentence had been commuted to life imprisonment which an appeal was reduced to 20 years' imprisonment.
5. I take judicial notice that before the 2010 constitution robbery with violence was not bailable. The applicant has further stated that he was on remand custody for a period of 1 year and 7 months and that piece of evidence is also corroborated by the trial court record. As a consequence of this and in terms of section 333(2) of the CPC the pre-trial detention period be discounted from the balance of the imposed sentence yet to be fully satisfied as per the law established.
6. It is so ordered.

DATED, SIGNED AND PUBLISHED AT ELDORET THIS 16TH DAY OF JULY 2025

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R. NYAKUNDI

JUDGE

