



**Mugambi v Director of Public Prosecutions (Petition  
E100 of 2023) [2024] KEHC 6169 (KLR) (16 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 6169 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
PETITION E100 OF 2023  
TW CHERERE, J  
MAY 16, 2024**

**BETWEEN**

**THOMAS KARANI MUGAMBI ..... APPLICANT**

**AND**

**DIRECTOR OF PUBLIC PROSECUTIONS ..... RESPONDENT**

**RULING**

1. Applicant was charged, tried and convicted in High Court Criminal Case No. E007 of 2022 for the offence of manslaughter contrary to section 202 as read with Section 205 of the [Penal Code](#) and was 1723 sentenced to serve 10 years imprisonment.
2. Applicant seeks that the sentence be subjected to the provisions of Section 333(2) of the [Criminal Procedure Code](#) so that the time he spent in custody can be accounted for.
3. The Court of Appeal held in the case of [Bethwel Wilson Kibor vs Republic](#) [2009] eKLR that: -  

“By proviso to section 333(2) of the [Criminal Procedure Code](#), where a person sentenced has been held in custody prior to such sentence, the sentence shall take into account of the period spent in custody...”
4. Applicant was arrested on 22<sup>nd</sup> February, 2022 and remained in custody throughout the trial.
5. It is therefore ordered that the 10 years imprisonment term imposed on the Applicant shall be computed from 22<sup>nd</sup> February, 2022 when he was arrested.

**DELIVERED AT MERU THIS 16<sup>th</sup> DAY OF May\_\_ 2024**

**WAMAE. T. W. CHERERE**

**JUDGE**



Appearances

Court Assistants - Kinoti/Munene

Applicant - Present

For the DPP - Ms.Rita Rotich ( PC-1)

