



**Wangari v Republic (Criminal Revision E122 of 2024)
[2024] KEHC 9794 (KLR) (22 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 9794 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
CRIMINAL REVISION E122 OF 2024
DKN MAGARE, J
JULY 22, 2024**

BETWEEN

PETER GICHUHI WANGARI APPLICANT

AND

REPUBLIC RESPONDENT

(Arising from Othaya Principal Magistrate's Court Criminal Case No. E057 of 2023)

RULING

1. The Applicant was sentenced on 21/3/2024 for trafficking in narcotics valued at 3,600/=.
2. The Applicant denied the charge. Evidence was taken. The Applicant defended himself. The court convicted the Appellant. Warrants were issued for the Applicant who was on bond. The Surety was pushed to have the Applicant in court. The last time the Appellant was to attend court for Judgment was 9/11/2023. After concerted efforts between the Surety and the investigating officer, the accused was apprehended on 18/1/2024.
3. When bond was cancelled the Applicant sought for fresh plea. The court dismissed the same and fixed reading of judgment on 29/1/2024. It was read. He sought that he is still young and needed to have a second chance.
4. The social enquiry showed the Applicant was abusing drugs. The court directed the matter be mentioned in Court 1. The court M.N. Munyendo sentenced the Applicant to 5 years imprisonment on 21/3/2024.
5. The Accused had been arrested on 1/2/2023, released on bond on 13/3/2023 and arrested on 18/1/2024. He was in custody for 41 days before between arrest and re-arrest.



6. The court does not find any illegality on the sentence. The court properly sentenced the Applicant. The only aspect left out pursuant to Section 333(2) of the [CPC](#) are 41 days the Applicant was in custody between the first arrest and the time of re-arrest on 18/1/2024.
7. The Appellant should serve his entire sentence of 5 years starting 18/1/2024 less 41 days he was in custody between arrest and re-arrest. Otherwise the review is not merited.

DELIVERED, DATED AND SIGNED AT NYERI ON THIS 22ND DAY OF JULY, 2024. RULING DELIVERED THROUGH MICROSOFT TEAMS ONLINE PLATFORM.

KIZITO MAGARE

JUDGE

In the presence of:-

Mr. Mwakio for the State

Applicant in person

Court Assistant – Jedidah

