



**Waweru v Republic (Criminal Revision 82 of 2019)  
[2023] KEHC 2456 (KLR) (Crim) (20 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2456 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
CRIMINAL  
CRIMINAL REVISION 82 OF 2019  
LN MUTENDE, J  
MARCH 20, 2023**

**BETWEEN**

**GEOFFREY MUNGAI WAWERU ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. Through a chamber summons dated the March 14, 2019, the applicant has called upon this court to invoke the provisions of section 333(2) of the *Criminal Procedure Code* that provides that:

“Subject to the provisions of section 38 of the *Penal Code* (cap 63) every sentence shall be deemed to commence from, and to include the whole of the day of, the date on which it was pronounced, except where otherwise provided in this Code.

Provided that where the person sentenced under subsection (1) has, prior to such sentence, been held in custody, the sentence shall take account of the period spent in custody.”

2. In its order the trial court stated as follows:

“Whereas I am required to take into account the period the accused person has been in custody which I hereby do”

3. It is apparent that the trial court complied with the law.

Therefore, the application has no merit. Accordingly, it is dismissed.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI, THIS 20<sup>TH</sup> DAY OF MARCH, 2023.**



**L. N. MUTENDE**

**JUDGE**

