



**Musefu v Republic (Criminal Appeal E065 of 2022)
[2023] KEHC 3352 (KLR) (20 April 2023) (Judgment)**

Neutral citation: [2023] KEHC 3352 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIVASHA
CRIMINAL APPEAL E065 OF 2022**

**GL NZIOKA, J
APRIL 20, 2023**

BETWEEN

EMMANUEL JUMA MUSEFU APPELLANT

AND

REPUBLIC RESPONDENT

JUDGMENT

1. The filing of Revision is appropriate. However, no prejudice will be occasioned if the court were to treat this matter as an Appeal on sentence per se. Having stated so, the appeal herein on conviction is marked as withdrawn and/or abandoned. Therefore the appellant shall not in future contest of file another appeal in relation to the same. On sentence I realize that he was arrested on July 2, 2022 and arraigned in court on July 4, 2022. He remained in custody until November 23, 2022 when sentence was pronounced. He was in custody for 4 months and 16 days. The provisions of section 333(2) of [Criminal Procedure Code](#) requires such a period be considered. The trial court does not indicate that was done. I therefore allow appeal on sentence on that ground and order the period be considered. That then is the order of the court.

DATED, DELIVERED AND SIGNED THIS 20TH DAY OF APRIL 2023

GRACE L. NZIOKA

JUDGE

