



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MERU**

**CRIMINAL REVISION NO E 233 OF 2021**

**PATRICK KIAMBI RIUNGU.....APPLICANT**

**VERSUS**

**REPUBLIC .....RESPONDENT**

**RULING ON REVISION**

1. Applicant who was convicted for offence of grievous harm primarily seeks revision of the sentence of 7 years imprisonment imposed by the court to take into account the period that he had spent in remand before the sentence, in accordance with *Section 333(2)* of the Criminal Procedure Code. The Applicant was arrested on 4/3/2018 and sentenced on 22/1/2019.
2. The DPP urges the court not to disturb the sentence as the same was appropriate in view of the status of the applicant as a repeat offender having been “convicted and sentenced in Criminal Case No. 1108 of 2016 with a similar offence of grievous harm Contrary to *Section 234* of the Penal Code.
3. Despite the validity of the sentencing discretion of the trial court, the court erred in principle when it failed to comply with the mandatory provisions of *Section 333(2)* of the Criminal Procedure Code to take into account the period of the accused’s Pre-trial detention.

**ORDERS**

4. Accordingly, this court shall revise the sentence of the trial court to the extent that sentence of imprisonment for 7 years shall commence on 4/3/2018 when the accused was first arrested and detained to await his trial, having not been released on bail throughout his trial.

Order accordingly.

**DATED AND DELIVERED THIS 15<sup>TH</sup> DAY OF DECEMBER, 2021**

**EDWARD M. MURIITHI**

**JUDGE**

**Appearances:-**

Applicant in person

Ms. Nandwa, Prosecution Counsel for DPP.