

REPUBLIC OF KENYA

IN THE HIGH COURT AT NAIROBI

CRIMINAL DIVISION

CRIMINAL REVISION 827 OF 2018

MOSES MURIITHI NJOKI.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

The Applicant by Chamber Summons application dated 1st October 2018 prayed that the court reviews his sentence by taking into account the period that he spent in custody. The Appellant was charged with robbery with violence contrary to Section 296(2) of the Penal Code, two (2) counts of Rape and alternative counts of Indecent Act contrary to **Section 3 and 11(1) of the Sexual offences Act no.3 of 2006 respectively**. He was convicted on the one charge of rape on 10th of May, 2018. He was sentenced to serve 10 years imprisonment.

The Applicant herein prays that the period he spent in custody be considered to constitute part of his sentence. The court observes that the Applicant took plea on the 26th of November, 2014 and was convicted on the 10th of May, 2018. In total he has served a cumulative period of three (3) years, six (6) months and five (5) days. This period shall be taken to constitute part of the sentence.

DATED and DELIVERED 7TH DAY OF MAY, 2019.

G.W. NGENYE-MACHARIA

JUDGE

1. Applicant in person.
2. Miss Akunja for the Respondent.