



REPUBLIC OF KENYA



**Hapem v Republic (Criminal Revision E409 of 2024)
[2025] KEHC 13552 (KLR) (30 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 13552 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL REVISION E409 OF 2024
JM NANG'EA, J
SEPTEMBER 30, 2025**

BETWEEN

PETER KAMAIS HAPEM APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant prays for invocation of the Provisions of Section 333(2) of the Criminal Procedure Code in his sentencing so that the period he was in remand custody awaiting trial is taken into account. The lower court had convicted and sentenced him to 20 (twenty) in prison for defilement contrary to Section 8(1) as read with Section 8(3) of the *Sexual Offences Act* No. 3 of 2006.
2. Having perused the record of the trial court, it is noted that Section 333(2) of the Criminal Procedure Code was not complied with. It is further noted that the Applicant was arrested on 3/3 /2017 and it is not shown that he was thereafter released on bond/bail. He was therefore in custody throughout the trial.
3. The Application is allowed and it is directed that the Applicant's 20 (twenty) years prison term will commence from the date of his arrest on 3/3/2017.

RULING DELIVERED THIS 30TH DAY OF SEPTEMBER, 2025 IN THE PRESENCE OF:

J. M. NANG'EA, JUDGE.

Mr Wakasyaka for the DPP.

The Applicant, present.

The Court Assistant (Jeniffer).

