



**Ochwangi v Republic (Criminal Revision E376 of 2024)
[2025] KEHC 13544 (KLR) (30 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 13544 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL REVISION E376 OF 2024
JM NANG'EA, J
SEPTEMBER 30, 2025**

BETWEEN

KENNEDY ROBERT OCHWANGI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant had been charged and convicted in the lower court in respect of the main charge of defilement contrary to section 8(1) as read with Section 8(2) of the *Sexual Offences Act*. He was sentenced to 30 (thirty) years imprisonment. He appealed to this court vide Criminal File Number 49 of 2017, and by judgement delivered by my sister (L. N. Mutende – J) the sentence was reduced to 20 (twenty) years in prison.
2. The Applicant now urges the court to invoke the provisions of Section 333(2) of the Criminal Procedure Code which requires the court to take into account a period spent in remand custody in determining a custodial sentence for a convict.
3. The Prosecution Counsel intimated on 31/7/2025 that he would file submissions in opposition to the Application but none had been filed as at the time of preparing this ruling.
4. The record shows that the Applicant was arrested on 18th April 2014. He says he was released on bond 4 (four) months later on 18/8/2014. This information has not been controverted.
5. It is indeed the law that the Applicant was entitled to credit by dint of the provisions of Section 333 (2) of the Criminal Procedure Code when computing his final prison term.
6. The Application is therefore allowed and the period of 4 (four) months the Applicant was in remand custody before his release on bond is ordered to be taken into account in computing his prison term.
7. Ruling accordingly.



J. M. NANG'EA, JUDGE.

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

The Prosecution Counsel, Mr Wakasyaka.

The Applicant, present.

The Court Assistant, Jeniffer.

J. M. NANG'EA, JUDGE.

