



**Obegi v Republic (Miscellaneous Criminal Application E199 of 2024)
[2025] KEHC 14518 (KLR) (16 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 14518 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
MISCELLANEOUS CRIMINAL APPLICATION E199 OF 2024**

**JM NANG'EA, J
OCTOBER 16, 2025**

BETWEEN

JARED OCHARO OBEGI 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 Application is brought vide an undated Notice of Motion filed herein.
2. The Prosecution Counsel does not oppose the Application.
3. The lower court had convicted and sentenced the Applicant to 3 (three) years in prison for the offence of stealing from a locked motor vehicle contrary to Section 279(g) of the Penal Code. The particulars of the offence are as follows;

Jared Ocharo Obegi:On the night of the 21st day of February 2024 at Molo town, in Molo sub-county within Nakuru county stole one mobile phone make Red Mi-note worth Kshs 29,000 and Kshs 21,700, the property of William Miringu and in order to commit such broke into his locked motor vehicle Toyota Aqua purple in colour Reg. No KDJ 325H(sic)
4. The Applicant entered plea of not guilty. After full trial he was convicted and sentenced as stated hereinabove.
5. 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 15/04/2024 and it is not shown that he was thereafter released on bond/bail. He was therefore in custody throughout the trial.



6. The Application is allowed and it is directed that the Applicant's 3 (three) years prison term shall commence from the date of his arrest on 15/04/2024.

J. M. NANG'EA, JUDGE.

RULING DELIVERED THIS 16TH DAY OF OCTOBER, 2025.

In the presence of:

Mr Wakasyaka for the DPP.

The Applicant, present.

The Court Assistant (Jeniffer).

J. M. NANG'EA, JUDGE.

