



**Salim v Republic (Miscellaneous Criminal Application E136 of 2024)
[2025] KEHC 15373 (KLR) (29 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 15373 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
MISCELLANEOUS CRIMINAL APPLICATION E136 OF 2024
HI ONG'UDI, J
OCTOBER 29, 2025**

BETWEEN

PETER KIPRONO SALIM APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. Peter Kiprono Salim the applicant herein filed an undated Notice of Motion seeking the following orders:
 - a. That the honourable court be pleased to order that his sentence in CM’s court Molo Criminal case number of 37 of 2019 to commence from the date he was remanded.
 - b. That the honourable court be pleased to invoke provisions of section 333 of the Criminal Procedure Code and all other enabling provisions in the interest of justice.
 - c. That the honour able court be pleased to make any other order that it will deem fit in the interest of justice.
2. The application is premised on his supporting affidavit in which he avers that he was convicted of the offence of robbery with violence contrary to section 296(2) of the penal code in Molo CM’s Criminal Case No. 037 of 2019 on 13th August, 2020 and sentenced to ten (10) years imprisonment.
3. He further states that during the pendency of the case he was remanded in custody, yet this period was not considered during the sentencing as is required under section 333 of the Criminal Procedure Code. He therefore prayed that this court considers the said omission, and issues the necessary orders.
4. He also stated that he had never appealed against the Judgment by the lower court.



5. Mr. Kihara State Counsel for the Respondent did not oppose the application but asked the court to confirm the position from the records.
6. Upon perusal of the records I have confirmed that the applicant was convicted of the offence of robbery with violence contrary to section 296(2) of the Penal Code on 13th August, 2020. He was on the same date sentenced to serve twenty (20) years imprisonment and not ten (10) years imprisonment as stated in his affidavit in support of his application before this court.
7. It has further been confirmed that the applicant has a pending appeal – Nakuru High Court Criminal Appeal (HCRA) No. 36 of 2020. Infact the proceedings have been typed and are ready for preparation of the record of appeal.
8. That being the position I decline to issue any orders herein, and direct the applicant to pursue his appeal – Nakuru HCRA No. 36 of 2020. The application herein is hence dismissed and file closed.
9. Orders accordingly.

DELIVERED, DATED AND SIGNED THIS 29TH DAY OF OCTOBER, 2025 IN OPEN COURT AT NAKURU.

H. I. ONG'UDI

JUDGE

