



REPUBLIC OF KENYA



**Situma v Republic (Miscellaneous Criminal Application E063 of 2025)  
[2025] KEHC 15724 (KLR) (15 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 15724 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BUNGOMA  
MISCELLANEOUS CRIMINAL APPLICATION E063 OF 2025  
MS SHARIFF, J  
OCTOBER 15, 2025**

**BETWEEN**

**ROBERT WANYONYI SITUMA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant Robert Wanyonyi Situma was charged, tried and convicted of the offence of incest contrary to Section 20 (1) of the *Sexual offences Act* No. 3 of 2006 in Bungoma CM CR (O.S) Case No. 30 of 2019. He was then sentenced to serve life imprisonment.
2. The Appellant lodged an appeal in Bungoma HCCRA No. 60 of 2021 whose Judgement he has failed to attach in his supporting affidavit but upon checking the CTS I have established that his sentence was reduced to 20 years.
3. The Applicant has now moved this court for consideration of the term that he served prior to his conviction, pursuant to the provision of Section 333 (2) of the Criminal Procedure code CAP 75 Laws of Kenya.
4. The Applicant further premised his application on grounds that he has reformed and has undergone various theological courses which he urges this court to consider.
5. I have considered the application herein and the affidavit in support thereof. I have also called for and perused the trial file being Bungoma CM CR (O.S) Case No. 30 of 2019 and I have established that the Applicant took plea on 7.3.2019 and stood trial while in custody until he was sentenced on 2.6.2021; he therefore served a term of 2 years and 85 days prior to his conviction. Given that the trial court had sentenced him for life and in light of the reduction of the sentence by the Appellate court to a termed sentence of 20 years, I will allow his application in line with the provisions of Section 333 (2) of the



Criminal Procedure code CAP 75 Laws of Kenya and I thus order that the period of 2 years and 85 days be factored in during the computation of his custodial term.

6. This file is hereby marked as closed.

**DELIVERED, SIGNED AND DATED AT BUNGOMA THIS 15<sup>TH</sup> DAY OF OCTOBER, 2025.**

**MWANAISHA S. SHARIFF**

**JUDGE**

