



REPUBLIC OF KENYA



KENYA LAW
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**Wesonga & 2 others v Republic (Criminal Appeal E048, E047 & E049 of 2024
(Consolidated)) [2025] KEHC 15993 (KLR) (7 November 2025) (Judgment)**

Neutral citation: [2025] KEHC 15993 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT LODWAR
CRIMINAL APPEAL E048, E047 & E049 OF 2024 (CONSOLIDATED)**

PJO OTIENO, J

NOVEMBER 7, 2025

BETWEEN

MOHAMED INGAGA WESONGA 1ST APPELLANT

FARAJI IMWAN HASSAN 2ND APPELLANT

ISSA OMAR WAFULA 3RD APPELLANT

AND

REPUBLIC RESPONDENT

JUDGMENT

1. When the appeals came before the court for mention to give directions, all the three appellants told the court that they do not challenge conviction nor sentence but only insist that the benefit conferred by section 333(2), criminal procedure code, be accorded to them.
2. Accordingly, the three were deemed to have abandoned their challenge against conviction and sentence and left the court with the sole duty of perusing the trial court record to be satisfied if the appellant spent their trial period in remand custody and if the trial court did take that into account so that the time spent in custody is applied to proportionately reduce the sentence imposed by it.
3. The court has perused the record of the trial court which disclose that the appellants were arrested on the 24/8/2022 and arraigned in court on 9/9/2025.
4. When the plea was taken and pleas of not guilty entered, there is no record that they were ever granted bond nor released from custody till the 9/10/2024 when they were convicted and sentenced to serve five years each.
5. In the sentence, the trial court never mentioned the time spent in remand custody. That was not in compliance with the law under section 333(2). It was an error this court is obligated to correct.



6. The correction is by an order that the sentence be revised so that the same is computed from the 24/8/2022.
7. It is so ordered.
8. Let court file be closed.

DATED, SIGNED AND DELIVERED THIS 7TH DAY OF NOVEMBER, 2025.

PATRICK J O OTIENO

JUDGE

