

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KERICHO
MISC.CRIMINAL APPLICATION NO. E011 OF 2025

DAISY CHEPKOROS.....
APPLICANT

- V E R S U S -

REPUBLIC.....
.....RESPONDENT

RULING

1. ***Daisy Chepkoros Too***, the applicant herein has beseeched this Court to review the sentence imposed upon her by this Court on 14th November, 2023. The applicant seem to suggest that the period served in custody was not factored in when meting out the sentence.
2. I have examined the record and it is apparent that the applicant was convicted and sentenced to serve seven (7) years imprisonment for the offence of murder.
3. I have also examined the proceedings on sentencing and it is clear that this Court noted that the applicant spent 3 years 11 months in custody while undergoing trial.
4. The proviso to Section 333 (2) of the Criminal Procedure Code, require Courts while sentencing to take into account

the period a person spent in custody. The aforesaid Section provides:-

“Section 333 (2), subject to the Provisions of Section 38 of the Penal Code (Cap.63) every sentence shall be deemed to commence from and to include the whole of the day of, the date on which it was pronounced, except where otherwise provided in the Code. Provided that where the person sentenced under Sub-Section (1) has prior to such sentence, been held in custody, the sentence shall take account of the period spent in custody.”

5. It is apparent that this Court considered the period the applicant spent in custody. However, it is not clear whether it was deducted from the sentence meted out. The Proviso is worded in mandatory terms.

6. I have already pointed out that this Court pronounced a sentence of 7 years imprisonment against the applicant. The period spent in custody of 3 years 11 months should

therefore have been deducted from the sentence of seven (7) years.

7. This Court therefore reviews the sentence of 7 years by subtracting 3 years 11 months meaning the applicant should serve 3 years 1 month from the date of sentence i.e. from 14th November, 2023. The prison authorities to calculate and determine the period the appellant has served upto date.

Dated, signed and delivered at Kericho this 27th day of November, 2025.

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**J. K. SERGON
JUDGE**

In the Presence of:-

C/Assistant - Rutoh

Prosecutor - Maundu

Applicant - Present in Person