



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
Where Legal Information is Public Knowledge

**Nduaru v Republic (Criminal Revision E163 of 2025)  
[2025] KEHC 17004 (KLR) (18 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 17004 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
CRIMINAL REVISION E163 OF 2025  
DR KAVEDZA, J  
NOVEMBER 18, 2025**

**BETWEEN**

**MICHAEL CHEGE NDUARU ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant was charged and convicted for the offence of defilement contrary to section 8(1) as read with 8(2) of the Sexual Offences, No. 3 of 2006. He was sentenced to serve twenty (20) years imprisonment.
2. He filed the present application and an affidavit in support of his motion seeking sentence review. The arguments raised are that the trial court failed to consider the time he spent in remand custody during the computation of his sentence.
3. I have considered the application, the affidavit in support and the applicable law. I have also considered the trial court record. The issue for consideration is whether the trial court considered the time the applicant spent in remand.
4. From the record, the trial court in its judgment failed to indicate that the time spent in remand custody had been considered.
5. In the premises, the application is allowed. The sentence of twenty (20) years shall run from 27<sup>th</sup> August 2012 the date of the applicant's arrest pursuant to section 333(2) of the Criminal Procedure Code.

Orders accordingly.

**RULING DATED AND DELIVERED VIRTUALLY THIS 18<sup>TH</sup> NOVEMBER 2025**

\_\_\_\_\_



**D. KAVEDZA**  
**JUDGE**

