



**Onchari v Republic (Miscellaneous Criminal Case E124 of 2025)
[2026] KEHC 366 (KLR) (22 January 2026) (Ruling)**

Neutral citation: [2026] KEHC 366 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
MISCELLANEOUS CRIMINAL CASE E124 OF 2025
JM NANG'EA, J
JANUARY 22, 2026**

BETWEEN

WILFRED ONCHARI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant prays for invocation of the Provisions of Section 333(2) of the Criminal Procedure Code in his sentencing so that the period he was in remand custody awaiting trial is taken into account . He wants the custodial sentence imposed against him to commence from the date of his arrest. The Application is brought vide a Notice of Motion dated 12th August 2025 filed herein.
2. The Prosecution Counsel (Daniel Wakasyaka) does not oppose the Application.
3. The Applicant had been charged in the Chief Magistrate’s Court at Nakuru (Criminal Case No. E402 of 2024) for the offence of causing grievous harm contrary to section 234 of the Penal Code. It was alleged that on 17th February 2024 at Check Point area, Nakuru West Sub-County, within Nakuru County he unlawfully did grievous harm to Carolyne Kwamboka.
4. After full trial trial he was convicted and sentenced to 3 (three) years imprisonment.
5. As to whether or not Section 333 (2) of the Criminal Procedure Code was complied with, the record of the lower court does not indicate so. This statutory credit was therefore unlawfully denied to the Applicant. As it is not shown that the Applicant had been released on bond/bail, he is entitled to this benefit.
6. The Application is therefore allowed and the 3 (three) years imprisonment term shall commence from 19th February 2024 when the Applicant was arrested as per the Charge Sheet presented before the subordinate court.



J. M. NANG'EA, JUDGE.

RULING DELIVERED THIS 22ND DAY OF JANUARY, 2026 IN THE PRESENCE OF:

Mr Wakasyaka for the DPP.

The Applicant.

The Court Assistant (Jeniffer).

J. M. NANG'EA, JUDGE.

