



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT ISIOLO
MISCELLANEOUS CRIMINAL CASE NO. E 008 OF
2025

GEOFFREY MURETHI alias
JEFF.....APPLICANT

VERSUS

REPUBLIC
.....ACCUSED

RULING

1. The Applicant's Notice of Motion dated 25/9/2025, seeks for revision of sentence. The Application is premised on **Section 333 (2) of the Criminal Procedure Code (CPC)** and **Article 165(6) of the Constitution.**
2. The Applicant prays that the period he spent in custody prior to conviction be considered, in determining the appropriate sentence which he ought to serve. He states that as at the date of his conviction, he had spent two years, four months and one week in custody. He further states that when he appealed to the High Court the sentence of 30 years which had been imposed on him was upheld.
3. The Applicant's Affidavit in support is silent on whether he sought for review of his sentence in his Appeal before the High Court. I have also perused the Judgment of the high Court, (**Meru H/C Criminal**

Appeal No. 78 & 79 of 2019). The Judgment is silent on the sentence. I will therefore, treat this issue not to have been taken up on Appeal and hence was never addressed by the High Court.

4. A reading of the Judgment delivered on 10/5/2019 by the Chief Magistrate at Isiolo is also silent on whether the court took into consideration the period the Applicant had spent in custody when it meted out the sentence. I will treat the silence to mean it was never considered. The prayer for review is therefore warranted
5. A further perusal of the record shows that the Applicant was arrested on 31/12/2016 and remained in custody throughout trial. He was sentenced on 10.05.2019. Thus, in terms of **section 333(2) of the criminal procedure code** the Applicant's sentence should have been discounted by the said period.
6. The Application succeeds and consequently the sentence of 30 years is varied to the extent that it is deemed to have taken effect from 31st December, 2016.

Dated, Signed and delivered at Isiolo, this 12th day of February, 2026

S. Chirchir
Judge

In the presence of:-
Roba/Kalelo-Court Assistant