



**Makori v Republic (Criminal Miscellaneous Application
E007 of 2026) [2026] KEHC 4461 (KLR) (10 March 2026) (Ruling)**

Neutral citation: [2026] KEHC 4461 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CRIMINAL MISCELLANEOUS APPLICATION E007 OF 2026**

TW CHERERE, J

MARCH 10, 2026

BETWEEN

CLIFFORD ABUGA MAKORI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant, Clifford Abuga Makori, was arrested on 11th February 2025 for the offence of defilement contrary to section 8(1)(4) of the [Sexual Offences Act](#) No. 3 of 2006. He remained in custody throughout the trial until he was sentenced to serve fifteen (15) years imprisonment on 09th November 2025.
2. The Applicant has now moved this Court for an order under section 333(2) of the Criminal Procedure Code seeking that the sentence commence from the date of his arrest.
3. Section 333(2) of the Criminal Procedure Code provides that Section 333(2) of the CPC provides as follows:
 - (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 this Code.
4. This Court has a duty to ensure that an accused is not punished twice for the same conduct by requiring him to serve time both while awaiting trial and after conviction. The interests of justice are best served by allowing the sentence to commence from the date of arrest.
5. Accordingly, the application is allowed. The sentence of fifteen (15) years imprisonment imposed on Clifford Abuga Makori shall commence from 11th February 2025 being the date of his arrest.

DELIVERED AT NYAMIRA THIS 10TH DAY OF MARCH 2026



WAMAE.T. W. CHERERE

JUDGE

Appearances

Court Assistant - Anita

Applicant - Present

For the DPP - Mr. Chirchir (SADPP)

