



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**  
**HCCRA. E169 OF 2022**

**DAVID KIPTERER MWITARI..... APPELLANT**  
**VERSUS**  
**REPUBLIC..... RESPONDENT**

**JUDGMENT**

1. For an offence of defilement where the victim was aged 15 years old, the Appellant upon trial was sentenced to serve 20 years imprisonment.
  
2. He now raises an Appeal on the ground that the period spent in custody was not weighed and the Prosecution/Respondent are not opposed to the said Appeal.
  
3. Having gone through the Judgment and sentence imposed, I have noted that the said period was not considered.

4. The Appellant was arrested on 6/11/2010 and managed bond on 3/2/2011. He was therefore in custody for a period of 88 days. If we subtract 88 days from the sentence of 20 years, we get 19 years, 9 months and 2 days.

5. The sentence is reduced to the said period. The Appeal therefore succeeds.

**DATED AND DELIVERED AT MERU THIS 28<sup>TH</sup> DAY OF APRIL, 2026.**

**S.M. GITHINJI -JUDGE**

**28/4/2026**

**In the presence of:-**

Appellant present in Meru G.K Prison.

Mr. Irungu for the State/Respondent