



REPUBLIC OF KENYA



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

**Leimundi v Republic (Criminal Revision E002 of 2026)
[2026] KEHC 6051 (KLR) (Crim) (7 May 2026) (Ruling)**

Neutral citation: [2026] KEHC 6051 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ISIOLO
CRIMINAL
CRIMINAL REVISION E002 OF 2026
SC CHIRCHIR, J
MAY 7, 2026**

BETWEEN

DOMINIC LEIMUNDI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant herein has moved the Court seeking for Review of sentence. He has invoked Sections 362, 364 and 333(2) of the Criminal Procedure Code.
2. He states that he was convicted of the offence of threatening to kill by the trial Court and sentenced to pay a fine of Kshs. 200,000 or 5 years in default. He prays that his sentence be reduced. He pleads that he has three children, for whom he provides and his incarceration poses great danger to the future of the children.
3. It is also the Applicant's case that when the trial court meted out the sentence, it failed to factor in the period he spent in custody, while undergoing trial. He computes this period to a total of 5 months and 19 days.
4. The Respondent opposes the Application. The Respondent's counsel points out that the Applicant was granted bond on 30/5/2023 which bond was cancelled on 02/8/2023 when the Applicant absconded. That therefore, he cannot approach Court and seek to be granted reprieve for his own wrong doing.

Determination

5. I have considered the rival submissions of the parties. On the downward review of sentence, the Applicant has not met the threshold for review. Under Section 362 of the Criminal Procedure Code



(The code), impropriety, incorrectness or illegality of the sentence or any other order, are the only grounds upon which the supervisory court can intervene with the findings of a trial court. The alleged potential suffering of the Applicant's children due to his incarceration is not one such ground.

6. On the period spent in custody I agree with the Respondent that the Applicant cannot seek to benefit from his own misdeeds. The bond was cancelled because he breached the bond terms. A perusal of the record shows that, at the time of the cancellation of the bond, it was not the first instance that he was jumping bail. He had been a habitual offender in that regard.
7. I am further persuaded by the High Court decision in the case of Misiri vs Republic [2026] KEHC 2713 (KLR) where the judge held "The Court is not persuaded that a person who deliberately absconds should be permitted to benefit from the consequences of his own misconduct. The period of custody following re-arrest was directly occasioned by his decision to evade trial."
8. Thus, the period he was placed in custody for jumping bail is not available to the Applicant. He cannot benefit from it.
9. However, the Applicant was arrested on 15/04/2023 and was released on bond on 29/05/2023. He had spent 43 days in custody prior to being released on bond. This is the only period that the Applicant is entitled to benefit from.
10. Thus the sentence passed by the trial Court is hereby varied to the that the sentence of 5 years is hereby discounted by 43 days.
11. It is so ordered.

DATED, SIGNED AND DELIVERED AT ISIOLO, THIS 7TH DAY OF MAY, 2026.

S. CHIRCHIR

JUDGE

In the presence of:-

Roba Kalelo-Court Assistant

The Applicant

Mr. Majale for the Respondent

