



**John v Republic (Criminal Revision E101 of 2024)
[2025] KEHC 2508 (KLR) (27 February 2025) (Ruling)**

Neutral citation: [2025] KEHC 2508 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MACHAKOS
CRIMINAL REVISION E101 OF 2024
EN MAINA, J
FEBRUARY 27, 2025**

BETWEEN

ISMAEL MANDELA JOHN APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. I have considered the application brought under Section 333(2) of the *Criminal procedure Code* and the oral submissions of the parties. I have also perused the record of the trial court and indeed the trial court overlooked the provisions of Section 333(2) of the *Criminal procedure Code* despite the section being couched in mandatory terms. In the premises this court directs that the Applicant's sentence be computed to run from December 22, 2023 when he was arrested so as to take the period he was in remand custody into account.
2. As for the prayer to be released on probation, I see that a pre-sentence Report presented to the court by one Monicah Rapuoda Probation Officer, Kangundo which is dated 20/03/2024 did not recommend probation. Moreover, this is not an appeal against his sentence but only an application to review the sentence in line with Section 333(2) *Criminal Procedure Code* which I have already allowed. The Application to be released on probation is therefore rejected.

Orders accordingly.

RULING DATED, SIGNED AND DELIVERED VIRTUALLY ON THIS 27TH DAY OF FEBRUARY, 2025.

E. N. MAINA

JUDGE

27/02/2025



In the presence of:

Ms Nyauncho for the state

Applicant in person (online)

C/A: Geoffrey

