



REPUBLIC OF KENYA



**KENYA LAW**  
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**Sande v Republic (Criminal Petition E077 of 2023)  
[2025] KEHC 6915 (KLR) (28 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 6915 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
CRIMINAL PETITION E077 OF 2023  
RN NYAKUNDI, J  
MAY 28, 2025**

**BETWEEN**

**ANTHONY SANDE ..... PETITIONER**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. Before this court is an application in this case seeking the following orders:

- i. That the petitioner has been in prison for a long time
- ii. That the petitioner spent 4 year and 1 month 12 days under remand custody
- iii. That the petition is seeking reduction of sentence by the time he spent in remand under section 333(2) of the CPC and articles 22(1), 27(1) (2) (4) of *the constitution* of Kenya 2010

It is further annexed in the following Affidavit sworn by the said Anthony Sande

- i. That I am a Kenyan citizen adult male of sound of mind hence competent to swear this affidavit.
- ii. That, I was convicted and sentenced to serve 7years imprisonment for the offence of defilement offence c/sec 8(1) (4) of the SOA No. 3 of 2006 on 02-08-2023 at CM'S court at Eldoret
- iii. That I spent 4 year 1 month and 12 days in pre-trial custody
- iv. That I now pray to the honorable court to involve the provisions of section 333(2) of the CPC cap 75 and reduce my sentence by the time I spent in remand custody



- v. That may this honorable court be pleased to find out that my fundamental rights to equal protection, equal benefit and equal treatment as provided for under article 27(1) (2) (4) in reliance to article 22(1) of the constitution of the republic of Kenya were violated
  - vi. That may this honorable court be pleased to waive all charges in respect of my petition
  - vii. That I wish to be present during hearing of and determination of this petition
  - viii. That what I have deponed there-in is true and correct to the best of my knowledge, belief and understanding sources of my information
2. From the trial court record, the Applicant was arrested on 19.7.2018 and released on bond on 6.11.2018. It means he spent in remand custody for only 4 months and not 4 years as indicated in his affidavit. The affidavit evidence is therefore a total lie. The Application under Section 333(2) of the CPC only entitles him of 4 months credit period before he was released on bail. The committal warrant to prison shall be computed to discount the 4 months period within the statutory framework of the CPC.
3. It is so ordered

**GIVEN UNDER MY HAND AND THE SEAL OF THIS COURT THIS 28<sup>TH</sup> DAY OF MAY 2025**

.....

**R. NYAKUNDI**

**JUDGE**

