



REPUBLIC OF KENYA



**KENYA LAW**  
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**Nanjala v Republic (Criminal Revision E088 of 2025)  
[2025] KEHC 11184 (KLR) (30 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 11184 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
CRIMINAL REVISION E088 OF 2025**

**DR KAVEDZA, J  
JULY 30, 2025**

**BETWEEN**

**SHARON NANJALA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant was charged and, after a full trial, convicted of child stealing contrary to section 174(1) (a) of the *Penal Code*. In Counts II and III, she was convicted of stealing contrary to section 268 as read with section 275 of the *Penal Code*. She was sentenced to three years' imprisonment for Count I, and one year each for Counts II and III. The sentences for Counts II and III were ordered to run concurrently.
2. The applicant filed the present application dated 23<sup>rd</sup> June 2025 seeking sentence review. She prayed that the time spent in remand custody to be considered during the computation of her sentence.
3. The proviso to section 333 (2) of the *Criminal Procedure Code* obligates the court to take into account the time already spent in custody. The duty to take into account the period an accused person had remained in custody in sentencing under the proviso to section 333(2) of the *Criminal Procedure Code* which is couched in mandatory terms was acknowledged by the Court of Appeal in *Ahamad Abolfathi Mohammed & Another v Republic* [2018] eKLR and *Bethwel Wilson Kibor v Republic* [2009] eKLR and more recently in the High Court case of *Vincent Sila Jona & 87 others v Kenya Prison Service & 2 others* [2021] eKLR.
4. It is therefore clear that it is mandatory that the period which an accused has been held in custody prior to being sentenced be taken into account in meting out the sentence where it is not hindered by other provisions of the law.



5. I have perused the original record and I find the trial court considered the mitigation before sentencing the applicant. The court further noted that the time the accused had spent in remand custody would be considered during the computation of the sentence.

6. The upshot of the above is that the application is dismissed for lacking in merit.

Orders accordingly.

**RULING DATED AND DELIVERED VIRTUALLY THIS 30<sup>TH</sup> DAY OF JULY 2025**

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**D. KAVEDZA**

**JUDGE**

