



**Mwasi v Republic (Miscellaneous Criminal Revision
E005 of 2024) [2024] KEHC 6931 (KLR) (27 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 6931 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VOI
MISCELLANEOUS CRIMINAL REVISION E005 OF 2024**

GMA DULU, J

MAY 27, 2024

BETWEEN

PAUL MWAWAZA MWASI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. In this criminal matter the applicant having been convicted of sexual assault contrary to Section 5(1) (a)(i) as read with Section 5(2) of the [Sexual Offences Act](#) No. 3 of 2006, was sentenced to ten (10) years imprisonment.
2. He has now come to this court seeking that the period he was in custody during trial be computed in his person sentence.
3. The learned Prosecuting Counsel Mr. Sirima, on his part, has submitted that he has no objection to the request of the applicant, and clarified that the applicant was in custody for 1 year and 3 days from 13th September 2017 to 3rd October 2018. The State was thus agreeable that the prison sentence be so reduced.
4. On my part, having perused the record of the trial court, I am of the view that the trial court did not take into account the period during trial that the applicant was in custody as required under Section 333(2) of the [Criminal Procedure Code](#) (Cap.75).
5. Consequently, I allow the request and exercise this court's review powers under Section 362, 363 and 364 of the [Criminal Procedure Code](#), and order that the prison sentence of the applicant/convict of 10 years imprisonment, imposed on 3rd October 2017, and which was upheld by the High Court in Voi High Court Criminal Appeal No. 86 of 2017, will now run from 13th September 2016 when he was arrested.



**DATED, SIGNED AND DELIVERED THIS 27TH DAY OF MAY 2024 IN OPEN COURT AT VOI.
GEORGE DULU**

JUDGE

In the presence of:-

Alfred/Trizah – Court Assistants

Applicant in person

Mr. Sirima for the State

