



| | |
|--|---|
| Case Number: | Criminal Miscellaneous Application E257 of 2021 |
| Date Delivered: | 22 Mar 2022 |
| Case Class: | Criminal |
| Court: | High Court at Nairobi (Milimani Law Courts) |
| Case Action: | Ruling |
| Judge: | Daniel Ogola Ogembo |
| Citation: | Esther Njeri Maina v Republic [2022] eKLR |
| Advocates: | - |
| Case Summary: | - |
| Court Division: | Criminal |
| History Magistrates: | - |
| County: | Nairobi |
| Docket Number: | - |
| History Docket Number: | - |
| Case Outcome: | - |
| History County: | - |
| Representation By Advocates: | - |
| Advocates For: | - |
| Advocates Against: | - |
| Sum Awarded: | - |
| <p>The information contained in the above segment is not part of the judicial opinion delivered by the Court. The metadata has been prepared by Kenya Law as a guide in understanding the subject of the judicial opinion. Kenya Law makes no warranties as to the comprehensiveness or accuracy of the information.</p> | |

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

CRIMINAL MISCELLANEOUS APPLICATION E257 OF 2021

ESTHER NJERI MAINA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

The applicant **ESTHER NJERI MAINA** has moved this court by way of an undated chambers summons application. The application, ostensibly brought under section 333(2) of the Criminal Procedure Code, seeks that the sentence meted out on her be reviewed to account for the period of 2 years and 9 months that she spent in remand custody pending the determination of her case that the trial court did not give account to this period spent in the sentence.

Ms. Ndombi, for the state, made a short response that the trial court duly considered the period spent in remand custody, and that this application ought to be dismissed.

I have considered the application of the applicant and the response of the prosecution section 333(2) of the Criminal Procedure Code (proviso) states:

“Provided that where the person sentenced under sub-section (1) has prior to such sentence, been held in custody, the sentence shall take account of the period spent in custody.”

I have perused the record of the trial court. The record shows that the sentence proceedings of the court of 16.7.2018, the learned trial magistrate duly considered the mitigation raised by the applicant. Amongst the factors that the applicant raised in mitigation was the period that the applicant had taken in remand custody awaiting determination of the case. The court having duly considered this factor in passing the sentence, this application brought under section 333(2) of the Criminal Procedure Code, lacks in any merit. The same is dismissed.

D. O. OGEMBO

JUDGE

22.3.2022.

Court:

Ruling read out on-line in presence of the applicant and Ms. Joy for the state.

D. O. OGEMBO

JUDGE

22.3.2022.



While the design, structure and metadata of the Case Search database are licensed by [Kenya Law](#) under a [Creative Commons Attribution-ShareAlike 4.0 International](#), the texts of the judicial opinions contained in it are in the [public domain](#) and are free from any copyright restrictions. Read our [Privacy Policy](#) | [Disclaimer](#)