



**Wandeto v Republic (Miscellaneous Application E046 of 2023)
[2024] KEHC 10137 (KLR) (15 August 2024) (Ruling)**

Neutral citation: [2024] KEHC 10137 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
MISCELLANEOUS APPLICATION E046 OF 2023
MA ODERO, J
AUGUST 15, 2024**

BETWEEN

CHARLES MATHENGE WANDETO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. I have considered the application dated 21st July, 2023. The applicant prays that the period of time which he spent in remand during the pendency of his trial be considered in line with Section 333(2) of the *Penal Code*.
2. The application is not opposed.
3. The Applicant was tried and convicted for the offence of Defilement, contrary to Section 8(1) (3) of the *Sexual Offences Act*, 2006 was sentenced to serve ten (10) years imprisonment.
4. I have perused the medical documents annexed to the application. They indicate that the Applicant is suffering from a terminal illness.
5. I have considered the provisions of section 333 (2) of the Penal Code and I have also considered the decision in the case of *Hamad Abolfath Mohamed v R* [2018] eKLR.
6. I find merit in this application and direct that the period of time the Applicant spent in custody from 29/8/2016 to the date of sentence being 3/12/2018 be considered and be deducted from the Applicants sentence.
7. It is so ordered.

DATED IN NYERI THIS 15TH DAY OF AUGUST, 2024.

MAUREEN A. ODERO



JUDGE

