



**Mutai v Republic (Miscellaneous Criminal Application E153 of 2024)  
[2024] KEHC 11587 (KLR) (26 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 11587 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CRIMINAL APPLICATION E153 OF 2024  
RE ABURILI, J  
SEPTEMBER 26, 2024**

**BETWEEN**

**PHILIP MUTAI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original conviction and sentence in Tamu Senior Principal  
Magistrate's Court Criminal Sexual Offences Case No. 11 of 2018)*

**RULING**

1. The Convict Philip Mutai seeks for consideration of 3 months and 9 days spent in custody prior to sentencing in Tamu SPM Sexual Offences Case No. 11 of 2018 on 9<sup>th</sup> August 2018.
2. No court proceedings are filed to enable this court establish the truth in the case where he was sentenced to serve 10 years' imprisonment for the offence of rape of a person with disability contrary to Section 7 of the *Sexual Offences Act*.
3. I find no merit in the application which is dismissed and this file is closed.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 26<sup>TH</sup> DAY OF SEPTEMBER, 2024**

**R. E. ABURILI**

**JUDGE**

