



**Mbindyo v Republic (Miscellaneous Criminal Application
E101 of 2021) [2023] KEHC 1139 (KLR) (23 February 2023) (Ruling)**

Neutral citation: [2023] KEHC 1139 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
MISCELLANEOUS CRIMINAL APPLICATION E101 OF 2021**

A. ONG'INJO, J

FEBRUARY 23, 2023

BETWEEN

DENNIS MUTETI MBINDYO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant filed application on April 30, 2021 seeking the 7 months he was in remand custody prior to being released on bond be factored in his sentence which was reduced to 10 years in Mombasa High Court CR Appeal 115 of 2017.
2. This Court has been provided with the proceedings in Mombasa CMC CR Case No 801 of 2014 in which the applicant was tried, convicted & sentenced for the offence of defilement and it is established the period that he was in remand custody during his trial was from April 24, 2014 to August 18, 2014.
3. In the circumstances this court orders that 3 months & 14 days be deducted from 10 years. The application is therefore allowed.

**DATED, SIGNED AND DELIVERED IN OPEN COURT/ONLINE THROUGH MS TEAMS, THIS
23RD DAY OF FEBRUARY 2023**

HON LADY JUSTICE A ONG'INJO

JUDGE

In the presence of: -

Ogwel- Court Assistant

Applicant – Present in person

Mr Ngiri for Respondent



Hon Lady Justice A Ong'injo

Judge

