



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
Where Legal Information is Public Knowledge

**Tanui v Republic (Miscellaneous Criminal Application
E103 of 2022) [2023] KEHC 2989 (KLR) (27 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2989 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E103 OF 2022**

**RE ABURILI, J
MARCH 27, 2023**

BETWEEN

REUBEN KIPKOECH TANUI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant/Convict herein Reuben Kipkoech Tanui applies for sentence calculation taking into account the period spent in custody upon being convicted of the offence of attempted defilement contrary to Section 9(2) of the *Sexual Offences Act* and sentenced to serve ten (10) years imprisonment by Tamu Court in Sexual Offences Case No 33 of 2018.
2. I have perused the application and the warrant of commitment for sentence of imprisonment dated 6th February 2019. The sentence of ten (10) years imposed does not state from what period.
3. Unfortunately, the Convict does not disclose the date of his arrest and he never attached the proceedings from the lower court or charge sheet to confirm date of arrest or if he was not released on bond pending trial.
4. I find this application unsupported. It is hereby dismissed. File closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 27TH DAY OF MARCH, 2023

R. E. ABURILI

JUDGE

