



**Were v Republic (Miscellaneous Criminal Application 110 of 2023)
[2023] KEHC 25966 (KLR) (23 November 2023) (Ruling)**

Neutral citation: [2023] KEHC 25966 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL APPLICATION 110 OF 2023
DO OGEMBO, J
NOVEMBER 23, 2023**

BETWEEN

DENNIS OMONDI WERE APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant Dennis Omondi Were has filed a Notice of motion application herein dated 23/7/2023. The same seeks that the period the applicant spent in remand custody awaiting determination of his case be accounted for in his sentence. He has deponed that he spent 3 weeks in custody. The Prosecution made no substantive response to the application.
2. The record of proceedings of the lower court show that the applicant was charged with defilement contrary to Section 8(1)(4) of the *Sexual Offences Act*, No. 3 of 2006. This was on 9/2/2021. His surety was approved by the court on the same date and a release order was duly signed by the court on 19/5/2021. He was therefore in custody for barely 10 days.
3. In line with Section 333(2) of the *Criminal Procedure Code*, I order that the applicant shall serve 10 years imprisonment as ordered by the trial court. The sentence of the applicant shall run from 1/2/2023 (i.e. 10 years imprisonment less 10 days).

D.O. OGEMBO

JUDGE

23.11.2023

Court:

Ruling read out in Open court in the presence of the applicant and



Ms. Mumu for State.

D.O. OGEMBO

JUDGE

23.11.2023

