



**Nyandika v Republic (Criminal Revision E032 of 2022)
[2022] KEHC 10983 (KLR) (4 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 10983 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CRIMINAL REVISION E032 OF 2022**

**JN KAMAU, J
AUGUST 4, 2022**

BETWEEN

HESBON RATEMO NYANDIKA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant was charged with the offence of grievous harm contrary to section 234 of the [Penal Code](#) Cap 63 (Laws of Kenya). He was also charged with the offence of assault contrary to section 251 of the Penal Code. He denied the charges but was subsequently convicted and sentenced to serve three (3) years imprisonment for count I and one (1) year for count II on 21/6/2021. There was no indication how the sentence was to run. The Report of Ngetich Nicholas Kibet Probation Officer that was filed on 1/8/2022 does not recommend the release of the Applicant as he was troublesome and his family was not at peace as he was in custody. Accordingly, I hereby adopt the recommendation of the Report and direct that the Applicant continues to serve his sentence in custody. He is at liberty to file a fresh application at the appropriate time for consideration by the court. Orders accordingly.

DATED AND DELIVERED AT NYAMIRA ON THIS 4TH AUGUST 2022

J. KAMAU

JUDGE

FURTHER ORDERS

It is hereby directed that the sentences on the two (2) counts run concurrently. The Prison Department is hereby directed to amend their records accordingly. The earliest date of release ought to be indicated as 22/4/2023 which sentence will take into account the period of days between his date of arrest on 18/2/2022 and the date when he was sentenced on 22/4/2022 while computing his sentence in line with section 333(2) of the [Criminal Procedure Code](#) Cap 75 (Laws of Kenya). Orders accordingly.



DATED AND DELIVERED AT NYAMIRA ON THIS 4TH AUGUST 2022.

J. KAMAU

JUDGE

