



REPUBLIC OF KENYA



KENYA LAW
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**Bwire v Republic (Criminal Revision E081 of 2022)
[2022] KEHC 12380 (KLR) (1 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 12380 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
CRIMINAL REVISION E081 OF 2022**

**JN KAMAU, J
AUGUST 1, 2022**

BETWEEN

FREDRICK BWIRE APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant was charged with the offence of obtaining by false pretence contrary to Section 313 of the *Penal Code*. He was arrested on 2/6/2017 and arraigned in court on 19/6/2017 when he pleaded not guilty to the charge. He was released on bail on 07/06/2017. He jumped bail and a warrant of arrest was issued. He appeared in court on 29/10/2019 and indicated that he had been unwell. Warrants of Arrest were issued. He was remanded in custody on 24/9/2021. On 20/12/2021, he was sentenced to one (1) year imprisonment on 20/12/2021. The earliest release date according to the Prison is 20/8/2022. The Applicant spent time in custody which is more than the nineteen (19) days remaining to the conclusion of the sentence. Whereas the Report by Dennis Kiptanui Probation Officer dated 25/7/2022 recommends that the Applicant serve the remaining part of his sentence at Mundere Primary School, taking into account Section 333 (2) of the *Criminal Procedure Code* Cap 75 (Laws of Kenya), the Applicant has already completed his sentence. It is hereby directed that the Applicant be and is hereby released from custody forthwith unless he be held for any other lawful cause.

Orders accordingly.

DATED AND DELIVERED AT BUSIA ON THIS 1ST DAY OF AUGUST 2022.

J. KAMAU

JUDGE

