



REPUBLIC OF KENYA



KENYA LAW
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**Barngetuny v Republic (Criminal Petition E005 of 2022)
[2025] KEHC 2170 (KLR) (13 February 2025) (Ruling)**

Neutral citation: [2025] KEHC 2170 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL PETITION E005 OF 2022
E OMINDE, J
FEBRUARY 13, 2025**

BETWEEN

REUBEN KIPKOECH BARNGETUNY PETITIONER

AND

REPUBLIC RESPONDENT

RULING

1. The Petitioner herein moved this Court by way of a Notice of Motion Court stamped as received by the Court on 31st May 2022. He prays to Court that as provided under Section 333(2) of the *Criminal Procedure Code*, the Court considers and factors into his sentence the period of 2 years and 10 months that he was in remand custody during the trial.
2. He states in the Affidavit in support of the Application that he was charged with the offence of Murder contrary to Section 203 as read with Section 204 of the *Penal Code*, Chapter 63, Laws of Kenya, convicted and sentenced to 10 years' imprisonment. That he has no issue with the conviction and the sentence and has only one Ground of Appeal as above.
3. Counsel for the State in his oral response to this Application stated that for reasons that the cited provision of the law is mandatory and that the applicant was indeed in remand custody as stated, he concedes that the period of 2 year and 10 months can be factored into the applicant's 10-year sentence.
4. I have perused the record of proceedings of sentencing. It clearly indicates that the period that the applicant spent in remand was excluded from the 10-year imprisonment sentence. I agree with the prosecution that this provision is mandatory and so without much ado, I allow the Application and direct the period of 2 years and 10 months that the applicant spent in remand be computed in his sentence of 10 years' imprisonment.
5. Right of Appeal 14 days.



READ DATED AND SIGNED AT ELDORET ON 13TH FEBRUARY 2025.

E. OMINDE

JUDGE

