



**Kilel v Republic (Miscellaneous Criminal Application E006 of 2024)
[2025] KEHC 1689 (KLR) (6 February 2025) (Ruling)**

Neutral citation: [2025] KEHC 1689 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
MISCELLANEOUS CRIMINAL APPLICATION E006 OF 2024**

JK SERGON, J

FEBRUARY 6, 2025

BETWEEN

DANIEL KIMUTAI KILEL APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant was sentenced to 8 years imprisonment for the offence of Murder Contrary to Section 203 as read with Section 204 of the [Penal Code](#) CAP 63 vide HCCR No.37 of 2016.
2. The Applicant has made an application under section 333 (2) of the [Criminal Procedure Code](#) CAP 75 for inclusion of the period he was in custody prior to his sentence of 8 years imprisonment.
3. The prosecution did not oppose the said Application.
4. This court has perused the record and finds that there is no indication that the accused was ever released on bond. The applicant was first arraigned in Court on 21st November, 2016 and he was sentenced on 14th November, 2023 after a period of about 7 years.
5. However, it is the finding of this court that during sentencing, this court considered the time spent in custody and proceeded to sentence the applicant to 8 years imprisonment. In light of the foregoing, the application for inclusion of the period spent in custody prior to sentencing lacks merit.

DATED, SIGNED AND DELIVERED AT KERICHO THIS 6TH DAY OF FEBRUARY, 2025.

J.K. SERGON

JUDGE

In the presence of:

C/Assistant – Rutoh



Prosecutor – Maundu

Applicant – Present in Person

