



**Rop v Republic (Miscellaneous Criminal Application E019 of 2024)
[2025] KEHC 2268 (KLR) (6 February 2025) (Ruling)**

Neutral citation: [2025] KEHC 2268 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
MISCELLANEOUS CRIMINAL APPLICATION E019 OF 2024**

JK SERGON, J

FEBRUARY 6, 2025

BETWEEN

DENNIS KIPLANGAT ROP APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant was sentenced to 15 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. 30 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 15 years imprisonment.
3. The prosecution opposed the said application, the learned prosecutor contended that this court considered the time spent in custody during sentencing and therefore the instant application ought to be dismissed.
4. This court has perused the record and finds that the accused was arrested on 5th September, 2016, two months later, on 9th November, 2016 he was released on bond. This court subsequently released the surety on 20th July, 2020 and the accused remanded to custody. The accused was in custody for a period of 3 years and 4 months during trial.
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 15 years imprisonment. Therefore, the application for inclusion of the period spent in custody 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

P/Counsel – Maundu

Applicant – Present in Person

