



Kirwa alias Thomas Kipkorir Sang v Republic (Criminal Petition E060 of 2023) [2025] KEHC 4348 (KLR) (4 April 2025) (Ruling)

Neutral citation: [2025] KEHC 4348 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL PETITION E060 OF 2023**

RN NYAKUNDI, J

APRIL 4, 2025

**IN THE MATTER OF APPLICATION OF THE PERIOD SPENT
IN REMAND CUSTODY PURSUANT TO SECTION 333(2) OF
THE CRIMINAL PROCEDURE CODE CAP 75 LAWS OF KENYA**

BETWEEN

LABAN KIRWA ALIAS THOMAS KIPKORIR SANG APPLICANT

AND

REPUBLIC PROSECUTOR

RULING

1. The Applicant in his notice of motion seeks the following orders:
 - a. That the petition is seeking for his sentence to commence from the time he was placed in pre-trial custody 5th April 2022
 - b. That the Petitioner is praying to be present during the hearing and determination and which application is supported by the annexed affidavit of Laban Kirwa Alias Thomas Kipkorir Sang:
 - a. That I was charged with an offence of obtaining money by false pretence c/section 313 of the penal code and sentenced to serve 3 years by CM's court Eldoret in Case No 5144 of 2018
 - b. That I was arraigned in court on 5.4.2022 and was convicted and sentenced on 5.4.2023 by CM's Court Eldoret
 - c. That during the sentence the time spent in remand custody was not factored in which was one year (1.4.2021 – 5.4.2023)



d. That today 10th August 2023 I am petitioning the honourable court to kindly consider my petition to reduce the time spent in pre-trial custody from my 3 years sentence.

2. This application was heard and determined by this court on 11.4.2024 by this court. Its therefore dismissed as being res judicata. Its so ordered.

DATED, SIGNED AND DELIVEED AT ELDORET THIS 4TH DAY OF APRIL 2025

.....

R. NYAKUNDI

JUDGE

