



**Bett v Republic (Criminal Revision E108 of 2025)  
[2025] KEHC 6341 (KLR) (21 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 6341 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BOMET  
CRIMINAL REVISION E108 OF 2025  
JK NG'ARNG'AR, J  
MAY 21, 2025  
[IN CHAMBERS]**

**BETWEEN**

**PHILEMON KIPSANG BETT ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. I have gone through this matter in respect to Bomet Senior Principal Magistrate Sexual Offence Case No. 4 of 2018.
2. This is an application for review. In the lower court the accused/applicant Philemon Kipsang Bett was charged with an offence of committing an indecent act with a child Contrary to Section 11(1) of the [Sexual Offence Act](#).
3. The trial court found him guilty but insane. No sentence was meted out and instead the court made an order that the proceedings be forwarded to the relevant ministry for action.
4. This has led to dilemma in the manner in which to handle or deal with the accused or convict as the case is.
5. There have been several correspondences from concerned stakeholders on the way forward to resolve the issue.
6. I have looked at the law and found that the convict/applicant would have been sentenced to a term of not less than 10 years.
7. I have considered the peculiar nature of this case and find that the holding of the convict/applicant has been irregular but the hands of the Prison department were tied.



8. The convict/applicant has stood trial since 2018 until his conviction on 8/12/2020 by Hon. L.N. Kiniale PM (as she then was).
9. Given the obtaining circumstances I am now inclined to make a finding under Section 362 of the *Criminal Procedure Code* and review the trial courts orders.
10. I do find that the period served by the convict/applicant has been irregular since 8<sup>th</sup> December, 2020 and is sufficient punishment to the convict/applicant.
11. I do therefore order that the convict/applicant be released unconditionally under Section 35 (1) of the *penal code*.
12. I further direct that the Prison department where the convict/applicant is held do make arrangements to have him escorted to responsible members of his family forthwith.
13. Consequently, the convict/Applicant Philemon Kipsang Bett is set at liberty unless lawfully held.

**DATED THIS 21<sup>ST</sup> DAY OF MAY, 2025**

**HON. JULIUS K. NG'ARNG'AR**

**JUDGE OF THE HIGH COURT**

