



**Yego v Republic (Criminal Miscellaneous Application
E148 of 2024) [2025] KEHC 9643 (KLR) (4 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 9643 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL MISCELLANEOUS APPLICATION E148 OF 2024**

RN NYAKUNDI, J

JULY 4, 2025

BETWEEN

ABIGAEI CHEROTICH YEGO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. Before this court is an undated application in which the applicant seeks orders as follows:
 - a. Spent.
 - b. That the honorable court be pleased to consider a reduction of my sentence in light of Article 50(2)(p)(q) of *the constitution* of Kenya
 - c. That the honorable court be pleased to invoke the provisions of section 333(2) of the CPC, specifically to the factor in the period spent in remand of 3 years and 6 months towards the imposed sentence of 48 months
2. The application is supported by an affidavit sworn by the applicant in which he deposed as follows:
 - a. That I was charged with the offence of murder contrary to section 203 as read with section 204 of the penal code and sentenced to serve 48 months' imprisonment by the high court at Eldoret in HCCR case no. 39 of 2019 on 19/08/2024 by Hon. Nyakundi.
 - b. That I did not appeal against the trial court's decision, hence this application is for a review of sentence only.
 - c. That this honorable court has jurisdiction under Article 165(3)(b) of *the constitution* o Kenya 2010 to hear and determine this application.



- d. That I was arrested on 17th July 2019, granted bond on 13th January 2023 and subsequently remanded again on 9th August 2024. I was sentenced on 19th August 2024.
- e. That I spent a cumulative period of 3 years and 6 months in remand custody, which the judge indicated would be considered at sentencing.
- f. That the honorable court be pleased to invoke section 333(2) of the [Criminal Procedure Code](#) to factor the 3 years and 6 months I spent in remand into my sentence of 48 months.
- g. That I am unable to afford the costs associated with this application and thus humbly request that such costs be waived.

Decision

- 3. This application on review brought pursuant section 333(2) of the CPC lacks merits for the very reasons that even with absence of quoting the provisions as a trial court I had this in mind when I convicted the applicant to 48 months' imprisonment. The application is therefore dismissed under section 382 of the [Criminal Procedure Code](#).

SIGNED, DATE AND DELIVERED AT ELDORET THIS 4TH DAY OF JULY 2025.

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R. NYAKUNDI
JUDGE

