



**Maritim v Republic (Miscellaneous Criminal Application
E011 of 2023) [2024] KEHC 1268 (KLR) (15 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 1268 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
MISCELLANEOUS CRIMINAL APPLICATION E011 OF 2023**

JK SERGON, J

FEBRUARY 15, 2024

BETWEEN

DANIEL KIPKEMOI MARITIM APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant was convicted and sentenced to 30 years imprisonment for the offence of murder contrary to section 203 as read with section 204 of the *Penal Code*. The particulars of the information dated 12th July, 2017 were that on the 7th day of July, 2017 at Chebigen Village in Kericho East District within Kericho County murdered Vincent Kipkurui Maritim.
2. The Applicant has made the instant application under section 333 (2) of the *Criminal Procedure Code* for inclusion of the period he was in custody prior to his sentence of 30 years imprisonment.
3. The prosecution did not oppose the said Application.
4. I have perused the Original Record which shows that the applicant made an application to be admitted to reasonable bail terms, the application was allowed and he was granted a bond of Kshs.200,000/= with one surety on 19th February, 2018 and was subsequently released on 8th March, 2018.
5. The applicant was first arraigned in Court on 12th July, 2017 and was released on 8th March, 2018 after posting bond, he spent a period of eight (8) months in custody. During sentencing on 16th February, 2023 this court did not take into consideration the time spent in custody.
6. I hereby direct that the 8 months be deducted from the jail term of 30 years.
7. The new sentence of 29 years four (4) months will start to run from 16th February, 2023.

Orders to issue accordingly.



DATED, SIGNED AND DELIVERED AT KERICHO THIS 15TH DAY OF FEBRUARY, 2024.

J.K. SERGON

JUDGE

In the presence of:

C/Assistant – Rutoh

Prosecutor - Karanja

Petitioner – Present in Person

