



**Conde v Republic (Criminal Revision 95 of 2024)
[2024] KEHC 3326 (KLR) (4 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 3326 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 95 OF 2024**

DR KAVEDZA, J

APRIL 4, 2024

BETWEEN

ANSOUMANA CONDE APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. I have gone through the file and noted that the applicant was convicted for the offence of trafficking in narcotics drugs contrary to section 4(a) of the [Narcotic Drugs and Psychotropic Substances \(Control\) Act](#) No. 4 of 1994. He was consequently sentenced to pay a fine of Kshs. 15,000,000/=, and in default to serve ten (10) years imprisonment. He has so far served five (5) years, six (6) months and 20 days since the date of sentencing.
2. I have further noted that the applicant was in remand custody during the whole trial. He was arrested on 17/1/2013 and sentenced on 20/9/2018, totalling to a period of 5 years and 8 months. This period spent in remand custody ought to have been computed as per the provisions of section 333 (2) of the [Criminal Procedure Code](#), which obligates the court to take into account the time already spent in custody if the convicted person had been in custody during the trial.
3. The applicant herein has therefore been in custody for a cumulative period of about 11 years and 2 months. This period ought to be computed and the applicant must have completed the sentence by now.
4. The applicant should forthwith be set at liberty unless otherwise lawfully held.

Orders accordingly.

RULING DELIVERED THIS DAY 4TH DAY OF APRIL 2024.



D. KAVEDZA
JUDGE

