



**Ngeno v Republic (Miscellaneous Criminal Application E036 of 2023) [2024] KEHC 5034 (KLR) (9 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5034 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KERICHO  
MISCELLANEOUS CRIMINAL APPLICATION E036 OF 2023**

**JK SERGON, J**

**MAY 9, 2024**

**BETWEEN**

**VINCENT KIPKOECH NGENO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant was convicted and sentenced to 10 years imprisonment for the offence of defilement contrary to section 8 (1) as read with section 8 (4) of the Sexual Offences Act No. 3 of 2006. The particulars of the charge were that on the 18th day of January, 2021 at around 1400 Hours in Kericho West Sub County within Kericho County, he intentionally caused his penis to penetrate the vagina of ICN a child aged 16 years old.
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 10 years imprisonment.
3. The prosecution did not oppose the said Application.
4. I have perused the Original Record which shows that on the 23rd day of August, 2021 the applicant was arraigned in court where he pleaded not guilty and the court granted the applicant a bond of Kshs.100,000/= with one surety of similar amount.
5. The applicant was subsequently released on 9th December, 2021 after posting bond. During sentencing on 8<sup>th</sup> March, 2023, the trial court noted and took into account the time spent in custody.
6. I hereby decline to interfere with the sentence meted out by the trial court. The Application is hereby ordered dismissed.

**DATED, SIGNED AND DELIVERED AT KERICHO THIS 9<sup>TH</sup> DAY OF MAY, 2024**



.....  
**J.K. SERGON**  
**JUDGE**

