



**Bett v Republic (Miscellaneous Criminal Application E023 of 2023)
[2024] KEHC 12769 (KLR) (24 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 12769 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
MISCELLANEOUS CRIMINAL APPLICATION E023 OF 2023**

**E OMINDE, J
OCTOBER 24, 2024**

BETWEEN

JOHN KARUGA BETT APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Court Assistant having perused the Lower Court file has ascertained that the accused was in custody for the entire period of the trial.
2. That he took plea on 25th March 2011 and was sentenced on 5th August 2011. That he therefore spent 4 months and 11 days in remand.
3. I have perused the lower court record on the sentencing. I note that the court did not indicate that it took into account the period that the accused spent in remand when passing sentence.
4. For this reason, I find merit in the application by the accused and being satisfied with the twenty year sentence that was passed by the lower court did not take into account the period spent in remand with amounted to 4 months and 11 days. I allow the application by the accused.
5. The court therefore, directs that the period of 4 months and 11 days spent in remand be included in the sentence of 20 years imprisonment that was meted out before the lower court and the period already served be computed and adjusted accordingly.
6. Right to appeal 14 days.

READ DATED AND SIGNED AT ELDORET ON 24TH DAY OF OCTOBER 2024

E. OMINDE

JUDGE

