



**Ndung'u v Republic (Criminal Petition E008 of 2023)
[2024] KEHC 12969 (KLR) (23 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 12969 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
CRIMINAL PETITION E008 OF 2023
DKN MAGARE, J
OCTOBER 23, 2024**

BETWEEN

LINUS THEURI NDUNG'U PETITIONER

AND

REPUBLIC RESPONDENT

RULING

1. This is an application for Review of the Judgment of this court to indicate from when does the period of 20 years start.
2. Section 333(2) provides for the period in custody to be taken into consideration. The judgment delivered on 9/10/2020 did not indicate the commencement date of the sentence. The question then is whether the period starts on 9/10/2020, on the date of conviction or the date of arrest on 17/12/2012.
3. In respect thereof, the law is now settled. The state equally did not oppose but requested that the court refers to the record. The record indicates as follows:-The appellant was arrested on 17/12/2012 and released on bond on 18/4/2013, a period of 123 days.The Appellant was convicted on 11/10/2018 and remained in prison custody.
4. The sentence of 20 years shall begin on the day of arrest for 123 days. It then recommences on 11/10/2018 upon conviction. The days on bond being 18/4/2013 up to 10/10/2018 are excluded in counting days in custody.
5. It is so ordered.

**DELIVERED, DATED AND SIGNED AT NYERI ON THIS 23RD DAY OF OCTOBER, 2024.
RULING DELIVERED THROUGH MICROSOFT TEAMS ONLINE PLATFORM.**

KIZITO MAGARE

JUDGE



In the presence of: -

Mr. Mwakio for State

Applicant – present

Cpl. Shadrack Kioko at Embu GK Prison

Court Assistant – Jedidah

