



**Agwero v Republic (Criminal Revision E196 of 2023)
[2023] KEHC 3594 (KLR) (Crim) (18 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3594 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CRIMINAL
CRIMINAL REVISION E196 OF 2023
DR KAVEDZA, J
APRIL 18, 2023**

BETWEEN

FRANCIS AGWERO AGWERO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant *vide* his application dated March 16, 2023 has sought revision of the sentence on the grounds that the trial court failed to consider the period he spent in custody during sentencing. I have perused the court record and confirm that indeed the applicant was in custody from the date of arrest December 3, 2017 to the date of sentence on March 21, 2022. It is not trite law that the period an accused person spends in custody must be considered during the sentence. I accordingly allow the application and direct that the sentence should be computed to take with effect from December 13, 2017.

RULING, READ AND DELIVERED ON 18TH DAY OF APRIL, 2023

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D. KAVEDZA

JUDGE

