



**Koech v Republic (Miscellaneous Criminal Application
E014 of 2022) [2023] KEHC 4016 (KLR) (4 May 2023) (Ruling)**

Neutral citation: [2023] KEHC 4016 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
MISCELLANEOUS CRIMINAL APPLICATION E014 OF 2022**

JK SERGON, J

MAY 4, 2023

BETWEEN

NICHOLAS KIPNGENO KOECH APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant was sentenced to 15 years imprisonment for the offence of Defilement Contrary to Section 8(1) as read with Section 8(4) of [Sexual Offences Act](#) No 3 of 2006.
2. The Applicant has made an application under section 333(2) of the [Criminal Procedure Code](#) for inclusion of the period he was in custody prior to his sentence of 15 years imprisonment.
3. The prosecution did not oppose the said Application.
4. The Original Record is missing but the typed proceedings in the record of appeal shows that the applicant was released upon signing a bond of Kshs 100,000/= with one surety on April 13, 2015 but there is no indication from the record that he was ever released on bond.
5. The applicant was first arraigned in Court on April 13, 2015 and he was sentenced on October 31, 2017 after remaining in custody for a period of 2 years and 6 months.
6. I find the Applicant's Application to be meritorious. I allow the application seeking to factor in the period served in custody before pronouncing the sentence
7. I direct that the 2 years and 6 months served in custody should be deducted from the jail term of 15 years.
8. The sentence will start to run as from April 13, 2015.
9. Orders to issue accordingly.



DATED, SIGNED AND DELIVERED AT KERICHO THIS 4TH DAY OF MAY, 2023.

J.K. SERGON

JUDGE

In the presence of:

C/Assistant - Rutoh

Mr. Musyoki for the Respondent

Applicant – Present in Person

