

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KITALE

MISC. CRIMINAL APPLICATION NO. 32 (E032) OF 2021

RAMADHAN EKAI ERENG.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

The Applicant, **Ramadhan Ekai Ereng** was charged and convicted of the offence of **attempted defilement** contrary to **Section 4** of the **Sexual Offences Act**. He was sentenced to serve ten (10) years imprisonment on 20th November 2019. The Applicant has made an application to this court to have the period that he was in remand custody prior to his conviction taken into account.

This court has perused the trial Magistrate's court's proceedings. The Applicant was arraigned before the court on 11th October 2018. He was not released on bond during the entire period of his trial. He was thus in remand custody prior to his conviction by the trial court. This was a period of thirteen (13) months. It was clear to the court that the period was not taken into account as requires under **Section 333(2)** of the **Criminal Procedure Code**.

In the premises therefore this court shall take the said period into account. The custodial sentence imposed on the Applicant is therefore reduced by the said period of thirteen (13) months. The Applicant will therefore serve a sentence of Eight (8) years and eleven (11) months with effect for 20th November 2019 when he was sentenced by the trial court. It is so ordered.

DATED AT KITALE THIS 7TH DAY OF OCTOBER 2021.

L. KIMARU

JUDGE