



REPUBLIC OF KENYA



KENYA LAW
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**Barno v Republic (Criminal Appeal E105 of 2023)
[2025] KEHC 19091 (KLR) (15 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 19091 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL APPEAL E105 OF 2023
E OMINDE, J
DECEMBER 15, 2025**

BETWEEN

JOHANA BARNO APPELLANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant herein moved this Court by Oral Application praying to Court that as provided under Section 333(2) of the Criminal Procedure Code, the Court considers and factors into his sentence the period that he was in remand custody during the trial.
2. He states that he was charged with the offence of Defilement contrary to Section 8(1)(3) of the *Sexual Offences Act* No 3 of 2006, Laws of Kenya convicted and sentenced to 10 years imprisonment. That he has now abandoned the Appeal on conviction and the sentence and has only one Ground of Appeal as above.
3. Counsel for the State in his oral response to this Application stated that now that Appellant has abandoned the Appeal on conviction and the sentence and for reasons that the cited provision of the law is mandatory and that the applicant was indeed in remand custody as stated, he concedes that the period of 11 days can be factored into the applicant's sentence.
4. I have perused the record of the proceedings of sentencing. From the same it is clearly apparent that the period that the applicant spent in remand custody was not considered in the 10 -year imprisonment sentence imposed. I agree with the prosecution that this provision is mandatory. I therefore allow the Application and direct the period of 11 days that the applicant spent in remand custody be computed into his sentence of 10 years' imprisonment.
5. Right of Appeal 14 days



READ DATED AND SIGNED AT ELDORET ON 15TH DECEMBER 2025.

E. OMINDE

JUDGE

