



**Bett v Republic (Miscellaneous Criminal Application E022 of 2025)  
[2025] KEHC 19021 (KLR) (4 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 19021 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KERICHO  
MISCELLANEOUS CRIMINAL APPLICATION E022 OF 2025**

**JK SERGON, J**

**DECEMBER 4, 2025**

**BETWEEN**

**NICHOLAS KIPYEGON BETT ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. Nicholas Kipyegon Bett, the Applicant herein was tried and convicted for the offence of Gang Rape Contrary to Section 10 of the Sexual Offences Act No 3 of 2006. The Applicant was on 19<sup>th</sup> December, 2006 sentenced to serve 15 years imprisonment.
2. The Applicant is now before this Court beseeching this Court to include the period he spent in custody in the sentence.
3. Miss Maundu, Learned Assistant Director of Public Prosecution did not oppose the Application.
4. This Court has perused the proceedings in Kericho C.M.C Sexual Offence Case No.43 of 2015 – *Republic v Nicholas Kipyegon Bett* and it is clear that the Applicant was held in Custody for a period of 1 year 5 months. The proviso to Section 333 (2) of the Criminal Procedure Code is clear that the time spent in custody must be factored while pronouncing the sentence.
5. This Court hereby directs that a period of 1 year 5 months spent in custody be deducted from the sentence of 15 years pronounced on 19<sup>th</sup> December, 2015.
6. Consequently, the Applicant namely:- Nicholas Kipyegon Bett should therefore serve 13 years 7 months from the date of sentence that is 19<sup>th</sup> December, 2016.

**DATED, SIGNED AND DELIVERED AT KERICHO THIS 4<sup>TH</sup> DAY OF DECEMBER, 2025.**

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**J. K. SERGON**

**JUDGE**

In the Presence of:-

C/Assistant – Rutoh

Prosecutor – Chelangat

Applicant – Present in Person

