



**Athman v Republic (Criminal Revision E039 of 2025)
[2026] KEHC 1664 (KLR) (17 February 2026) (Ruling)**

Neutral citation: [2026] KEHC 1664 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT GARSEN
CRIMINAL REVISION E039 OF 2025**

JN NJAGI, J

FEBRUARY 17, 2026

BETWEEN

ABDALLA ATHMAN APPELLANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant has filed an undated application seeking that the time spent in custody waiting trial be considered.
2. I have perused the lower court’s file and noted that the Applicant was arrested on 25/2/2025 and was sentenced on 8/7/2025 of the charges he was facing , he was sentenced in count 2 to pay a fine of Kshs.5,000/= in default to serve 30 days imprisonment. In count 3 he was sentenced to a fine of Kshs.20,000/= in default to serve 6 months imprisonment. Sentences were ordered to run consecutively. That means that he was to spend a total of 7 months in prison in case he did not pay the fine. The trial court when sentencing the Applicant stated that it had considered the pre-trial custody.
3. In view of the fact that the trial court had considered that pre-trial detention when it sentenced the Applicant to a total of 7 months imprisonment, the Application ought to have by now completed the 7 months.
4. In view of the foregoing, the application herein is dismissed.

DELIVERED, DATED AND SIGNED AT GARSEN THIS 17TH DAY OF FEBRUARY 2026.

J. N. NJAGI

JUDGE

In the presence of:



Mr. Oluoch for Respondent

Applicant: Present in person at G.K. Prison Hindi

Court Assistant: Rahma

