



**Enos v Republic (Miscellaneous Criminal Application E024 of 2025)  
[2026] KEHC 1188 (KLR) (10 February 2026) (Ruling)**

Neutral citation: [2026] KEHC 1188 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT GARSEN  
MISCELLANEOUS CRIMINAL APPLICATION E024 OF 2025**

**JN NJAGI, J**

**FEBRUARY 10, 2026**

**BETWEEN**

**BRIGHTON HOSEA ENOS ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant has filed an undated application seeking that the period spent in custody be computed in the sentence meted on him in accordance with the provisions of Section 333(2) of the Criminal Procedure Code that requires that the court when sentencing an accused person who has been in custody during trial to take into account the period spent in custody.
2. I have called for and perused the original file in Garsen Sexual Offences Case No. 12 of 2018 wherein the applicant was tried and convicted for the offence of incest contrary to Section 20(1) of the *Sexual Offences Act* and was on 13<sup>th</sup> March 2019 sentenced to serve 15 years imprisonment. The court record indicates that the Applicant was arraigned in court on 3<sup>rd</sup> July 2018 and was in custody throughout the trial. The trial court never indicated when sentencing the Applicant that it had taken into account the period of 7 months that he was in custody before he was sentenced.
3. I have also perused the judgment in the Applicant's appeal to the High Court in Garsen Criminal Appeal No.50 of 2019. The issue of the time spent in custody was not raised and wasn't considered by the High Court.
4. In view of the provision of Section 333(2) of the Criminal Procedure Code, I find the application herein to be merited as the time spent in custody was not taken into account by the trial court when the Applicant was sentenced. The provisions of Section 333(2) of the Criminal Procedure Code are mandatory. I therefore order that the sentence meted on the Applicant in Garsen Sexual Offices Case



No. 12 of 2018 commences from the time the Applicant, Brighton Hosea Enos, was arraigned in court, that is on 3<sup>rd</sup> July 2018.

It is so ordered.

**DELIVERED, DATED AND SIGNED AT GARSEN THIS 10<sup>TH</sup> DAY OF FEBRUARY, 2026.**

**J. N. NJAGI**

**JUDGE**

In the presence of:

Mr. Oluoch for Respondent

Applicant present virtually at GK prison Manyani

Court Assistant - Jumaa

