



**Lopetet v Republic (Criminal Revision E056 of 2025)
[2026] KEHC 4298 (KLR) (16 March 2026) (Ruling)**

Neutral citation: [2026] KEHC 4298 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT LODWAR
CRIMINAL REVISION E056 OF 2025
PJO OTIENO, J
MARCH 16, 2026**

BETWEEN

SYLVESTER LOPETET APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant, was charged, tried and convicted for the offence of Rape contrary to section 3(1) (a) (c) (3) of the *Sexual Offences Act* No.3 of 2006. He was consequently sentenced to serve five (5) years imprisonment.
2. The penalty provided under the statute is minimum period of ten (10) years but the trial court while executing the undoubted judicial discretion imposed a lesser and very lenient term of five (5) years.
3. The notice of Motion bow before the court is précised on the provisions of section 333(2) CPC and Article 165(3) b of *the constitution*.
4. The court reads this request to be limited to his rights to benefit from the period spent in remand custody pending trial.
5. A perusal of the court record reveals no evidence that he was ever released on bond pending trial. The court is satisfied that he remained in custody since arrest on the 2/10/2023 and was by law entitled to the period being applied to proportionately reduce the period spent in custody.
6. The sentence, which the court considered now completely served, is revised to the effect that it shall be computed from the 2/10/2023.
7. It is so ordered.

DATED, SIGNED AND DELIVERED THIS 16TH DAY OF MARCH, 2026.



PATRICK J O OTIENO
JUDGE

