



**Kuya v Republic (Criminal Revision E023 of 2024)  
[2024] KEHC 6226 (KLR) (24 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 6226 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KAKAMEGA  
CRIMINAL REVISION E023 OF 2024**

**PJO OTIENO, J**

**MAY 24, 2024**

**BETWEEN**

**HUMPHREY KUYA ..... APPLICANT**

**AND**

**REPUBLIC ..... PROSECUTOR**

**RULING**

1. The record of the file reads and discloses that the Applicant was arrested on 09.01.2019 and arraigned in court on the same day.
2. He pleaded not guilty, was tried and subsequently convicted and sentenced to serve a jail term of ten (10) years.
3. Even though he was granted bail of Kshs. 150,000/= with one surety in the like sum, there is no record that he was ever released on bond.
4. Accordingly, having been in custody throughout the trial, his sentence ought to have taken the period served in custody pending trial.
5. The failure by trial court to take into account period served before conviction is corrected with an order that the term be computed from the 9.01.2019.

**DATED, SIGNED AND DELIVERED AT KAKAMEGA THIS 24<sup>TH</sup> DAY OF MAY, 2024.**

**PATRICK J. O. OTIENO**

**JUDGE**

