



**Anami v ODDP (Criminal Revision E043 of 2023)
[2024] KEHC 12334 (KLR) (30 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 12334 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
CRIMINAL REVISION E043 OF 2023
PJO OTIENO, J
SEPTEMBER 30, 2024**

BETWEEN

SILAS ANAMI APPLICANT

AND

ODDP RESPONDENT

RULING

1. The applicant herein was tried and convicted of two counts of defilement of two minors, aged 8 and 12 years, on diverse dates between December 2019 and 6th April 2020. Upon conviction he was sentenced to a prison term of 5 years on each of the two counts. The sentences were decreed to run concurrently.
2. It is the consecutive nature of the sentence which has aggrieved the applicant who seeks the court’s intervention, in revision, so that instead of running consecutively, the sentences be made to run concurrently.
3. On revision, the confines itself to the parameters set by sections 362 and 364 and of the Criminal Procedure Code on the extent and manner of intervention.
4. Here, the request is limited to manner the sentence is to run. Section 14 of the criminal l procedure Code ordains that sentences run consecutively unless the trial court orders otherwise. In fact, where there is no express indication of the manner of enforcement of the several sentences imposed, the law deems such several sentences to run consecutively.
5. In Peter Mbugua Kabui v Republic [2016] eKLR the court interpreted section 14 of the Criminal Procedure Code, to permit that sentences run consecutively where one is convicted of two or more distinct offenses at the same trial. However, where the offenses are committed at the same in a single transaction, even if the offenses are in a series, a concurrent sentence is the appropriate one to impose^{1, 1}



6. In the context of this matter the Applicant was charged and convicted of defilement of two different minors and on different occasions. The offences were never committed to merit making the sentences run concurrently.
7. To that extent, the trial court cannot be faulted for having imposed the consecutive sentences. The sentence is neither illegal nor irregular to merit being revised.
8. Accordingly, therefore, the application for revision lacks merit and is dismissed.

DATED, SIGNED AND DELIVERED VIRTUALLY, THIS 30TH DAY OF SEPTEMBER, 2024

PATRICK J O OTIENO

JUDGE

