



**Amollo v Republic (Miscellaneous Criminal Application E057 of 2024)
[2024] KEHC 11846 (KLR) (27 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 11846 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL APPLICATION E057 OF 2024
RE ABURILI, J
SEPTEMBER 27, 2024**

BETWEEN

MAURICE OTIENO AMOLLO APPLICANT

AND

REPUBLIC RESPONDENT

*(Being an Application for review of Conviction and sentence of Madiany PM's Court
vide Criminal Case No. 283 of 2023 delivered by Hon. Eric Malesi dated 01/2/2024)*

RULING

1. The applicant is Maurice Otieno Amollo. He was convicted of the offence of stealing a motor cycle contrary to Section 278 A of the [Penal Code](#). He was sentenced to serve three (3) years imprisonment on 29/2/2024. He now applies that Section 333 (2) of the [Criminal Procedure Code](#) be considered being the period spent in custody.
2. I have perused the trial court record Madiany PM's CR. E283/2023. The charge sheet dated 6/11/2023 shows that the applicant was arrested on 3/11/2023. He took plea on 6/11/2023.
3. There is no evidence of the applicant being released on bond pending trial after the prosecution did urge the court limits the bond terms to a surety since the accused had disappeared from September 2022 to 3/11/2023, more than a year.
4. Accordingly, I find this application dated 19/6/2024 merited as the sentencing court did not consider the period spent in custody. I allow the application dated 19/6/2024 and order that the 3 years imprisonment shall be calculated from 3/11/2023, the date of arrest of the convict Maurice Otieno Amollo.
5. Signal to issue.
This file is closed.



I so order.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 27TH DAY OF SEPTEMBER, 2024

R. E. ABURILI

JUDGE

