



**Mohammed v Republic (Criminal Miscellaneous Application
E064 of 2024) [2024] KEHC 11905 (KLR) (27 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 11905 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL MISCELLANEOUS APPLICATION E064 OF 2024
RE ABURILI, J
SEPTEMBER 27, 2024**

BETWEEN

ANTONY CHACHA MOHAMMED APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant is Antony Chacha Mohamed. He was convicted vide Bondo PM S.O Case No. 122/2016 of the offence of defilement contrary to Section 8 (1) as read with Section 8 (3) of the [Sexual Offences Act](#) and sentenced to serve 15 years imprisonment.
2. He appealed vide HCRA 123/2016 and vide judgment delivered on 19/2/2018, the conviction and sentence were upheld.
3. He has now applied vide his application dated 21/2/2024, seeking that the period he spent in custody during trial be considered under Section 333 (2) of the [Criminal Procedure Code](#).
4. The applicant/convict had the opportunity to raise the issue on appeal. This court shall not revisit a matter which was concluded by the same court on appeal.
5. I find the application dated 21/2/2024 not merited. It is hereby dismissed. This file is closed.
6. I so order.

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

R. E. ABURILI

JUDGE

