



REPUBLIC OF KENYA



KENYA LAW
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**Ogoche v Republic (Miscellaneous Criminal Case E055 of 2024)
[2024] KEHC 11898 (KLR) (27 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 11898 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL CASE E055 OF 2024
RE ABURILI, J
SEPTEMBER 27, 2024**

BETWEEN

JOHN ODHIAMBO OGOCHE APPLICANT

AND

REPUBLIC RESPONDENT

(Being an Application for review of Conviction and Sentence of Siaya CM's Criminal Case No. e252 of 2023 delivered by Hon. B. Limo, Principal Magistrate dated 12/10/2023)

RULING

1. The applicant is John Odhiambo Ogoche. He is a convict in Siaya CM Cr Case No. E252 of 2023 for 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 13/10/2023. The convict was also ordered to compensate the complainant the value of the stolen motor vehicle.
2. The convict is now before this court vide an application dated 19/6/2024 seeking that the court considers Section 333 (2) of the [Criminal Procedure Code](#), the period he spent in custody prior to sentencing.
3. I have considered the application and the grounds in support thereto.
4. I have also perused the trial court record. The applicant was arrested on 17/5/2023 according to the charge sheet dated 18/5/2023. He appeared in court on 18/5/2023 and was granted bond of Ksh200,000/= plus one surety or cash bail of Kshs 100,000/=. The value of the stolen motor cycle was ksh118,000/=. The applicant denied committing the offence and the trial did not take long.
5. There is no record of release of the applicant on bond.
6. Accordingly, I allow the application and order that the three (3) years imprisonment shall run from 17/5/2023 when he was arrested and held in custody. Signal to issue.



7. This file is closed.

8. I so order.

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

R. E. ABURILI

JUDGE

