



REPUBLIC OF KENYA



**KENYA LAW**  
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**Omollo v Republic (Miscellaneous Criminal Application E176 of 2024)  
[2024] KEHC 11544 (KLR) (26 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 11544 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CRIMINAL APPLICATION E176 OF 2024  
RE ABURILI, J  
SEPTEMBER 26, 2024**

**BETWEEN**

**ERICK OWUOR OMOLLO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original conviction and sentence in Maseno Senior  
Principal Magistrate's Court Criminal Case No. 534 of 2017)*

**RULING**

1. The Convict/Applicant herein is Erick Owuor Omollo. He was convicted of the offence of Robbery with violence and gang rape and sentenced to serve twenty (20) years imprisonment on each county, sentenced to run concurrently on 14<sup>th</sup> February 2019 vide Maseno SPM Criminal Case No. 534 of 2017.
2. He appealed vide HCCRA No. 4 of 2019 which appeal was dismissed.
3. He now prays that the period spent in custody pending trial be considered in the sentences imposed.
4. However, no court proceedings are annexed to enable this court peruse and establish whether he was on bond during that period of trial or not, yet the convict was issued with a record of appeal on appeal.
5. I find the application to be mischievous and devoid of any merit. It is hereby dismissed.
6. This file is closed.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 26<sup>TH</sup> DAY OF SEPTEMBER, 2024**

**R. E. ABURILI**

**JUDGE**

