



**Mboyo v Republic (Miscellaneous Criminal Application E034 of 2024)  
[2024] KEHC 14696 (KLR) (26 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14696 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT GARISSA  
MISCELLANEOUS CRIMINAL APPLICATION E034 OF 2024  
JN ONYIEGO, J  
NOVEMBER 26, 2024**

**BETWEEN**

**MOHAMED NOOR OLOO MBOYO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. I have considered the application herein seeking to review the sentence herein to take into account the period spent in remand custody. The State opposed the same on grounds that the Court is *functus officio*.
2. There is not dispute that the appellant approached this court under *Criminal Appeal No. E012/2023*. Among the grounds of appeal was that, the trial court did not take into account the period spent in remand custody.
3. I have perused my judgement delivered on 9.2.24. It shows that I took into consideration the period spent in remand custody. Therefore, the application is a non-starter and amounts to abuse of the court process. Application is dismissed.

**DATED, SIGNED AND DELIVERED THIS 26<sup>TH</sup> DAY OF NOVEMBER, 2024.**

**J. N. ONYIEGO**

**JUDGE**

