



**Odhiambo v Republic (Miscellaneous Criminal Application  
E002 of 2023) [2023] KEHC 220 (KLR) (24 January 2023) (Ruling)**

Neutral citation: [2023] KEHC 220 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
MISCELLANEOUS CRIMINAL APPLICATION E002 OF 2023  
RE ABURILI, J  
JANUARY 24, 2023**

**BETWEEN**

**KENNEDY OMONDI ODHIAMBO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Being an Application for resentencing in Bondo PM Criminal S.O. Case No. 242 of 2016)*

**RULING**

1. The applicant Kennedy Omondi Odhiambo was convicted and sentenced to serve 10 years imprisonment for the offence of defilement.
2. There is no evidence that he appealed against the conviction and sentence passed on 2/6/2021 *vide* Bondo PM Sexual Offence No 242/2016. According to his documents and letter from prison authorities, Kisumu Maximum Security Prison dated December 27, 2022, he has applied to have his sentence taken into account the period spent in custody.
3. Having considered the application, which has no proceedings or even the charge sheet annexed, I am not satisfied that a 2016 case in Bondo Law Courts could have stayed until 2/6/2021 to be determined. I am unable to find material upon which to apply Section 333(2) of the *Criminal Procedure Code* as the accused could have jumped bail or escaped from lawful custody, which then should have been disclosed to this court.
4. I find the application not supported. It is hereby dismissed.
5. File is closed.
6. I so order.

**Dated, signed and delivered at Siaya this 24<sup>th</sup> Day of January, 2023**



**R.E. ABURILI**  
**JUDGE**

