



**Okoth Alias Deno v Republic (Criminal Petition E007 of 2023)  
[2023] KEHC 1777 (KLR) (28 February 2023) (Ruling)**

Neutral citation: [2023] KEHC 1777 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL PETITION E007 OF 2023  
RE ABURILI, J  
FEBRUARY 28, 2023**

**BETWEEN**

**DICK ONYANGO OKOTH ALIAS DENO ..... PETITIONER**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Being an Application for resentencing from Ukwala PM SO E019/2021)*

**RULING**

1. The applicant claims that he was sentenced to serve 10 years imprisonment and that the trial court never took into account the period he spent in custody. That he never appealed as he was satisfied with the conviction and sentence.
2. I have considered the application. I order that the prison term imposed on the applicant in Ukwala PM SO E019/2021 shall take into account the period he was in prison custody as stipulated in section 333(2) of the *Criminal Procedure Code*.
3. The applicant to avail to prisons authorities trial court proceedings to confirm said the period.
4. I so order.
5. File closed.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 28<sup>TH</sup> DAY OF FEBRUARY, 2023**

**R.E. ABURILI**

**JUDGE**

