



REPUBLIC OF KENYA



**Okoth v Republic (Miscellaneous Criminal Application E019 of 2023)
[2023] KEHC 1415 (KLR) (28 February 2023) (Ruling)**

Neutral citation: [2023] KEHC 1415 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL APPLICATION E019 OF 2023
RE ABURILI, J
FEBRUARY 28, 2023**

BETWEEN

LUKE OMOLLO OKOTH APPLICANT

AND

REPUBLIC RESPONDENT

(Being an Application for resentencing in Siaya PM's SO No 869/2014)

RULING

1. The applicant in his notice of motion filed on February 24, 2023 concedes that his sentence of 75 years imprisonment was reduced to 15 years imprisonment vide an appeal to Kisumu High Court. He however considers that 15 years imprisonment is still too harsh.
2. I have no power to reduce that sentence further. However, as he has cited section 333(2) of the *Criminal Procedure Code*, I hereby order that the sentence imposed in Siaya PM SO No 869/2014 and as reviewed by the High Court at Kisumu shall be calculated taking into account any period spent in custody. The applicant to supply prison authorities with proceedings to confirm the period to be taken into account.
3. I so order.
4. File closed.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 28TH DAY OF FEBRUARY, 2023

R.E. ABURILI

JUDGE

