



**Onderi v Republic (Criminal Revision E145 of 2023)  
[2023] KEHC 3593 (KLR) (Crim) (29 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 3593 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
CRIMINAL  
CRIMINAL REVISION E145 OF 2023  
DR KAVEDZA, J  
MARCH 29, 2023**

**BETWEEN**

**WILFRED ONCHEKA ONDERI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant has sought revision of his sentence. At paragraph 5 he has prayed that the court do consider the period he spent in custody. I have perused the lower court file and note that the applicant was arrested on August 24, 2017. He stayed in custody up to November 27, 2017 before being released on bond, that is a total of 94 days. The trial court did not consider the period spent in custody.
2. I would therefore allow the application to the extent that 94 days (period) spent in custody to be considered during computation.
3. The other issues touch on the merit of the judgment of the trial court and they can only be canvassed on appeal. I shall therefore not delve into them

In the end the application is partially allowed and file is closed.

**RULING, READ AND DELIVERED ON 29TH DAY OF MARCH, 2023**

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**D. KAVEDZA**

**JUDGE**

**Order:**

This file is closed. The original lower court file to be returned.

