



**Oudu v Republic (Miscellaneous Criminal Application
E058 of 2022) [2023] KEHC 3089 (KLR) (28 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 3089 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E058 OF 2022**

**RE ABURILI, J
MARCH 28, 2023**

BETWEEN

ELIUD OSWAGO OUDU APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. On September 23, 2010, the Convict herein Eliud Oswago Oudu was convicted and sentenced to serve twenty five (25) years imprisonment for the offence of murder. He was found guilty of murder of his own mother Risper Odeyo Oudu. This was vide Kisumu HCCRC No. 41 of 2008.
2. As there was no automatic release of the convict on bond pending trial, I find his application that section 333(2) of the *Criminal Procedure Code* be taken into account in sentencing merited. He remained in custody throughout the trial.
3. From the attached court proceedings and evidence of PW 7, Corporal Kenneth Kangogo, the Convict was arrested on September 25, 2008.
4. I allow the application and order that the twenty five (25) years imprisonment imposed on him shall be calculated from September 25, 2008 when he was arrested. I so order. File closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 28TH DAY OF MARCH, 2023

R. E. ABURILI

JUDGE

