



**Odhiambo v Republic (Miscellaneous Criminal Application
E002 of 2022) [2023] KEHC 2984 (KLR) (27 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2984 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E002 OF 2022**

**RE ABURILI, J
MARCH 27, 2023**

BETWEEN

MESHACK OMONDI ODHIAMBO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Convict Meshack Omondi Odhiambo was sentenced to serve life imprisonment for the offence of defilement contrary to Section 8(1) as read with section 8(2) of the *Sexual Offences Act*.
2. He appealed to the High Court which reduced the sentence to fifteen (15) years imprisonment as per the Warrant of commitment dated January 31, 2018 from Maseno Senior Principal Magistrate Sexual Offence Case No 960 of 2012. He now seeks for orders that the period spent in custody be taken into account as per Section 333(2) of the *Criminal Procedure Code*.
3. I have considered the application which has been pending in this court since January 5, 2022. I allow the application and order that the fifteen (15) years re-imposed on the applicant shall be calculated from date of arrest.
4. The Prison authorities to verify from the committing/convicting court and compute the same.
5. File closed. I so order.

Dated, Signed and Delivered at Kisumu this 27th Day of March, 2023

R. E. ABURILI

JUDGE

