



**Ogola v Republic (Miscellaneous Criminal Application
E043 of 2022) [2023] KEHC 2986 (KLR) (27 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2986 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E043 OF 2022**

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

BETWEEN

KENNEDY JUMA OGOLA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Convict herein Kennedy Juma Ogola was sentenced to serve twenty-five (25) years imprisonment for the offence of murder. He stated that he never appealed to the Court of Appeal. The Criminal case file is Criminal No. 32 of 2009 and he was convicted on March 14, 2012.
2. He prays that the court now orders that the sentence run from date of arrest but he did not file proceedings from the trial court or even indicate the date of his arrest.
3. I find this application not supported. However, I am aware that as at 2009, there was no provision for release on bond in murder cases.
4. I allow the application and order that the sentence imposed on the Convict shall be calculated from date of arrest.
5. The Prisons authorities to verify the date of arrest of the Convict.
6. I so order. File closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 27TH DAY OF MARCH, 2023

R. E. ABURILI

JUDGE

