



**Osina v Republic (Miscellaneous Criminal Application
E032 of 2022) [2023] KEHC 2985 (KLR) (27 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2985 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E032 OF 2022**

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

BETWEEN

GREGORY OCHIENG OSINA APPLICANT

AND

REPUBLIC RESPONDENT

(Arising from Kisumu HCCRA No 9 of 2011.)

RULING

1. The Convict Gregory Ochieng Osina was sentenced to death vide Kisumu Chief Magistrate's Court Criminal Case No 330 of 2010 for the offence of Robbery with violence on January 14, 2011. He appealed vide Kisumu HCCRA No 9 of 2011 which appeal was dismissed on conviction but sentence was reduced to twenty (20) years imprisonment.
2. He now applies that the period of eight (8) months that he spent in custody be taken into account.
3. I have perused the application and the supporting affidavit and committal warrant. I allow the application and order that the twenty (20) years imprisonment re-imposed by the High Court shall take into account and be calculated from date of arrest and the convict to supply prison authorities with the charge sheet and court proceedings for computation of the said eight (8) months.
4. File closed. I so order.

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

R. E. ABURILI

JUDGE

