



**Okombo v Republic (Criminal Revision E526 of 2023)  
[2023] KEHC 21480 (KLR) (Crim) (31 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 21480 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
CRIMINAL  
CRIMINAL REVISION E526 OF 2023  
K KIMONDO, J  
JULY 31, 2023**

**BETWEEN**

**EPHRAIM NGERESA OKOMBO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant, Ephraim Ngeresa Okombo, filed an undated chamber summons which was received by the registry on June 16, 2023.
2. The principal relief sought is for grant of credit of 5 years spent in remand custody before his conviction and sentence in the lower court.
3. I called for the records of the subordinate court. Being a revision, and by dint of section 365 of the [Criminal Procedure Code](#), no party has a right to be heard either personally or by an advocate before the High Court when exercising its powers of revision.
4. I am now satisfied of the following set of facts:
  - a. The applicant was convicted for rape in Makadara Chief Magistrates S.O Case 38 of 2018 and sentenced to imprisonment for 10 years. He has not preferred an appeal against the conviction or sentence.
  - b. He was first arrested on February 28, 2018 and remained in remand custody until the date of sentence on February 17, 2023. He brought the issue to the attention of the trial court but it was not factored into the sentence. All that the learned trial magistrate stated was that the heinous crime led to the early death of the victim in the year 2019.



5. For all the above reasons and guided by section 333 (2) of the *Criminal Procedure Code*, I order that the entire period spent in remand custody from February 28, 2018 until February 17, 2023 shall be deducted from sentence of 10 years meted out by the lower court. The applicant shall be immediately notified of this order.

It is so ordered.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 31<sup>ST</sup> DAY OF JULY 2023.**

**KANYI KIMONDO**

**JUDGE**

**Ruling read in chambers in the presence of-**

Mr. Edwin Ombuna, Court Assistant.

