

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

MISC. CRIMINAL APPLICATION NO. E016 OF 2022

CORAM: HON. R.E. ABURILI, J

JOSEPH OWINO OTIENO.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application arising from conviction and sentence of the High Court at Siaya in Criminal Case No. 20 of 2020)

RULING

1. On 29/9/2020, this court sentenced the accused person herein Joseph Owino Otiemo to serve 20 years imprisonment upon finding him guilty of the offence of Murder contrary to **Section 203 as read with 204 of the Penal Code**.
2. The accused says that he has not appealed against conviction and sentence but wants revision of sentence because he is rehabilitated and wants the court to also take into account the period served in prison remand custody of 4 years.
3. I have considered the application which is not even supported by a sworn affidavit.
4. I observe that in **paragraph 16** of the Ruling on sentence, I made it clear that the prison term of 20 years was to be calculated from the date of arrest of the accused person.
5. I however observe that the warrant of committal of sentence as signed by the Deputy Registrar does not state that the sentence was to be calculated from the date of arrest.
6. Accordingly, I direct that the Deputy Registrar do reissue the warrant of committal to prison to reflect the Ruling on sentence rendered on 29/9/2020.
7. I so direct. File closed.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 16TH DAY OF FEBRUARY, 2022

R.E. ABURILI

JUDGE