



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT SIAYA**

**MISC. CRIMINAL APPLICATION NO. E036 OF 2022**

**CORAM: HON. R.E. ABURILI, J**

**GREGORY GORO ACHOLA.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

*(Being an Application arising from conviction and sentence of Siaya in*

*HCCRA No. 74/2019 AND the Principal Magistrate's Court at Bondo*

*in Criminal Case No. 1163 of 2018)*

**RULING**

1. The applicant herein is Geoffrey Odhiambo Odhiambo. He seeks for consideration of his sentence by this court, taking into account the provisions of **Section 333(2) of the Criminal Procedure Code**, on the period spent in prison remand prior to his sentencing.
2. I observe that the applicant was convicted for the offence of Manslaughter vide **Bondo PM Cr. Case No. 1163/2018** and vide judgment and sentence passed on 4/10/2019 by Hon. E.N. Wasike, Senior Resident Magistrate, the applicant was sentenced to serve 15 years imprisonment.
3. The applicant then appealed against the said conviction and sentence to this court vide **HCCRA 74/2019** which appeal he withdrew and only sought that sentence be considered. This court did on 29/7/2020 mark the appeal as withdrawn and reduced the sentence from 15 years imprisonment to 8 years imprisonment **to be calculated from the date of his arrest and confinement in custody.**
4. The convict is back to this court.
5. I have considered the application which is filed on 28/3/2022. I find that it lacks any merit and is an abuse of the court process as the convict already benefitted from the provisions of **Section 333(2) of the Criminal Procedure Code** when this court on 29/7/2020 ordered that the sentence as reduced from 15 years imprisonment to 8 years imprisonment was to be calculated from the date of his arrest.
6. Accordingly, the application filed on 28/3/2022 is declined and is hereby dismissed.
7. File closed.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 29TH DAY OF MARCH, 2022**

**R.E. ABURILI**

**JUDGE**

