



**Amenyi v Republic (Miscellaneous Criminal Application
E069 of 2022) [2022] KEHC 9808 (KLR) (30 June 2022) (Ruling)**

Neutral citation: [2022] KEHC 9808 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL APPLICATION E069 OF 2022**

RE ABURILI, J

JUNE 30, 2022

BETWEEN

GEOFFREY OWINO AMENYI APPLICANT

AND

REPUBLIC RESPONDENT

*(Being an Application arising from conviction and sentence of the
Chief Magistrate's Court at Siaya in Criminal Case No. E023 of 2021)*

RULING

1. The applicant convict is serving a ten year prison term for the offence of Rape contrary to section 3(1) (a)(c) of the *Sexual Offences Act*.
2. He was sentenced on 10/2/2022. He took plea on 19/4/2021 and was granted bond of Kshs. 100,000 plus one Surety of similar amount but there is no evidence that he was released on bond. He seeks for the court to consider the time he spent in remand custody.
3. I have considered the application.
4. The sentence imposed did not consider section 333(2) of the *Criminal Procedure Code*. I allow the application and order that the 10 year prison term shall be calculated from date of arrest on 17/4/2021.
5. The file is closed.
6. Orders accordingly.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 30TH DAY OF JUNE, 2022

R.E. ABURILI

JUDGE

