

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT GARISSA

CRIMINAL MISC. APPLICATION NO. 2 OF 2019

JAMAAL OMAR HUSSEIN.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

FURTHER RULING

1. Pursuant to ruling of 26/9/2019, the appellant/applicant under section 333 Laws of Kenya sought his sentence to be ordered to commence from the date of arrest 9/7/2011. The State does not oppose.
2. The appellant/applicant was convicted on offence under section 296(2) PC of robbery with violence offence. His sentence was reduced to 12 years.
3. During the reduction of his sentence to 12 years, the period he was in custody during trial was not factored in as provided by section 333 of the Criminal Procedure Code (Cap. 75 Laws of Kenya) and has held in ***Robert Mutashi Auda vs Republic Criminal Appeal No. 247 of 2014.***
4. Since the State does not oppose, the court makes the following orders:

(i) The accused's/applicant's sentence of 12 years in Garissa CMCRC No. 1359 of 2011 will run from date of arrest 9/7/2011 for 12 years subject to remission which prison's authorities may grant.

DATED, DELIVERED AND SIGNED AT GARISSA THIS 29TH DAY OF OCTOBER, 2019.

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C. KARIUKI

JUDGE