



**Owuor & another v Republic (Miscellaneous Criminal Application  
E017 of 2025) [2025] KEHC 6135 (KLR) (6 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 6135 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CRIMINAL APPLICATION E017 OF 2025**

**JM OMIDO, J**

**MAY 6, 2025**

**BETWEEN**

**ANTHONY ODUOR OWUOR ..... 1<sup>ST</sup> APPLICANT**

**LUCY AKINYI ADHIAMBO ..... 2<sup>ND</sup> APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. I have considered the Notice of Motion dated 9<sup>th</sup> January, 2025 that seeks for an order that this court reviews the sentence of ten (10) years imprisonment that was imposed against each of the Applicants on 16<sup>th</sup> January, 2024 in Kisumu CMCR Case No. E138 of 2023; and proceeds to make an order that the sentence in respect of each Applicant runs from the date of their arrest.
2. I have perused the trial court file and note that the two Applicants were presented for plea on 6<sup>th</sup> March, 2023. Although they were granted bond, the two Applicants remained in custody throughout their trial.
3. Section 333(2) of the *Criminal Procedure Code* addresses the commencement of sentences. The said provision of statute dictates that a sentence of imprisonment generally begins on the date that it is pronounced, including the entire day, unless otherwise specified. However, the same Section states that if the person has been in custody prior to sentencing, the sentence must account for that time spent in custody.
4. Thus then, in line with Section 333(2) of the *Criminal Procedure Code*, the time that the Applicants remained in custody ought to have been considered by the sentencing court, which was not done.



5. Accordingly, I proceed to review the two Applicants' respective sentences of imprisonment only to the extent that their said sentences shall run from the date that they were presented before court for plea, which is 6<sup>th</sup> March, 2023.
11. A copy of this ruling to be served upon the Officers in Charge, Kisumu Maximum Security Prison and Kisumu Women's Prison for immediate action.
12. This file is closed.

**DELIVERED, SIGNED AND DATED AT THIS 6<sup>TH</sup> DAY OF MAY, 2025.**

**JOE M. OMIDO**

**JUDGE**

Applicants: Present, virtually.

Respondent: Ms. Muema, Prosecution Counsel.

