



REPUBLIC OF KENYA



KENYA LAW
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**Okumu v Republic (Criminal Miscellaneous Application
E079 of 2025) [2025] KEHC 8796 (KLR) (20 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 8796 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL MISCELLANEOUS APPLICATION E079 OF 2025**

A MABEYA, J

JUNE 20, 2025

BETWEEN

MOSES OCHIENG OKUMU APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. Moses Ochieng Okumu, ‘the applicant’, was charged with the offence of handling stolen goods contrary to section 322(2) of the [Penal Code](#). He was tried convicted and sentenced to 5 years imprisonment on 26/2/2024.
2. By a Motion on Notice dated 16/5/2025, the applicant applied that the Court does consider section 333(2) of the [Criminal Procedure Code](#). That the period that he was in custody be taken into consideration.
3. I have considered the matter. I have seen the Committal Warrant dated 26/2/2024. The same indicates that: -

“Accused to serve 5 years in jail. Sentences to start running from the time he was placed in custody 22/8/2022.”
4. In view of the foregoing, I allow the application and direct that the Prisons do compute the 5 years’ period from 22/8/2022.

It is so ordered.

DATED AND DELIVERED AT KISUMU THIS 20TH DAY OF JUNE, 2025.

A. MABEYA, FCI ARB

JUDGE

