



**Anyul alias Olaola v Republic (Criminal Revision E282 of 2024)
[2025] KEHC 10603 (KLR) (21 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 10603 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL REVISION E282 OF 2024**

**A MABEYA, J
JULY 21, 2025**

BETWEEN

JOASH ANYUL ALIAS OLAOLA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. On 1/9/2022, Joash Anyul alias Olaola was charged with the offence of murder contrary to section 203 as read with section 204 of the *Penal Code*. It was alleged that on 9/2/2022 at Okok village, in Kisumu East Sub-county within Kisumu County, he murdered Nahashon Odhiambo Akongo.
2. He later entered into plea bargain and he admitted a lesser charge of manslaughter. He was sentenced to 12 years' imprisonment on 1/3/2023.
3. By a Motion on Notice dated 11/11/2024, the applicant has sought that the provisions of section 333(2) of the *Criminal Procedure Code* be taken into account in computing the period of his incarceration. The State did not oppose the application.
4. Section 333(2) of the *Criminal Procedure Code* provided that: -

“Subject to the provisions of section 38 of the *Penal Code* (Cap 63) every sentence shall be deemed to commence from, and to include the whole of the day of, the date on which it was pronounced, except where otherwise provided in this Code. Provided that where the person sentenced under subsection (1) has, prior to such sentence, been held in custody, the sentence shall take account of the period spent in custody.”
5. I have considered the entire record. I have also considered the proceedings of the trial Court, the judgment and sentence. although the Court directed the period between 1/9/2022 and 27/2/2023 be taken into account, the Committal Warrant does not disclose that fact.



6. In this regard, I find the application to be meritorious. I allow the same. I direct that the tabulation of the sentence of 12 years shall take into account the period of between 1/9/2022 and 27/2/2023, when the applicant was in custody.

It is so ordered.

DATED AND DELIVERED AT KISUMU THIS 21ST DAY OF JULY, 2025.

A. MABEYA, FCI Arb

JUDGE

