



**Obote v Republic (Criminal Miscellaneous Application
E108 of 2025) [2025] KEHC 11134 (KLR) (28 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 11134 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL MISCELLANEOUS APPLICATION E108 OF 2025**

JM OMIDO, J

JULY 28, 2025

BETWEEN

CHARLES OBOTE APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. I have considered the Applicant's Notice of Motion dated 7th July, 2025 seeking for an order for sentence review.
2. From the trial court's record, the Applicant took plea on 21st March, 2023 and was remanded in custody until 11th March, 2024 when he was sentenced to serve 3½ years imprisonment.
3. It is clear from the record of the trial court that the period that the Applicant remained in custody as his trial proceeded was not considered by the trial court when the sentence was imposed as is mandatorily required under Section 333(2) of the *Criminal Procedure Code*.
4. That being the case, I find merit in the Applicant's Notice of Motion. I will proceed to allow the same to the extent that the sentence of imprisonment of 3½ years shall run from 21st March, 2023.
5. This file is closed.

DELIVERED, DATED AND SIGNED THIS 28TH DAY OF JULY, 2025.

JOE M. OMIDO

JUDGE

Applicant: Present, virtually.

For the Respondent: Ms. Jebichii, Prosecution Counsel.



Court Assistants: Mr. Ngoge & Mr. Juma.

