



**Odhiambo v Republic (Criminal Miscellaneous Application  
E102 of 2025) [2025] KEHC 11135 (KLR) (28 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 11135 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CRIMINAL MISCELLANEOUS APPLICATION E102 OF 2025**

**JM OMIDO, J**

**JULY 28, 2025**

**BETWEEN**

**AMOS ODHIAMBO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. I have considered the Applicant's Notice of Motion dated 3<sup>rd</sup> July, 2025 that seeks for sentence review so that the period he spent in remand custody is taken into account.
2. From the record of the trial court, the Applicant was arraigned for plea on 4<sup>th</sup> November, 2024. He remained in remand custody until 15<sup>th</sup> April, 2025 when he was fined Kshs.10,000/= in default of which he was to serve 1 year imprisonment.
3. Under Section 333(2) of the *Criminal Procedure Code*, the period an accused person spends in remand custody ought to be taken into account while his sentence is imposed. It is clear from the record that the trial court did not comply with the said provision of statute, with the result that the application is merited.
4. In the result, I review the default sentence of imprisonment only to the extent that the same shall run from and/or take effect from 4<sup>th</sup> November, 2024.
5. This file is closed.

**DELIVERED, DATED AND SIGNED THIS 28<sup>TH</sup> DAY OF JULY, 2025.**

**JOE M. OMIDO**

**JUDGE**

Applicant: Present, virtually.



For The Respondent: Ms. Jebichii, Prosecution Counsel.

Court Assistants: Mr. Ngoge & Mr. Juma.

