



**Omolo v Republic (Criminal Revision E044 of 2025)
[2025] KEHC 11100 (KLR) (28 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 11100 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL REVISION E044 OF 2025**

**JM OMIDO, J
JULY 28, 2025**

BETWEEN

MERCY ATIENO OMOLO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. I have considered the Applicant's Notice of Motion dated 30th April, 2025 that seeks sentence review.
2. Although the application seeks for an alternative sentence of probation, I note from the trial court's record that the period of 311 days that the Applicant remained in remand custody while her trial proceeded was not taken into account by the sentencing court as is mandatorily required under Section 333(2) of the *Criminal Procedure Code*.
3. That being the case, I proceed to review the Applicant's sentence of 15 months imprisonment (one year imprisonment on count 1; and 5 months imprisonment on count 2) to the extent that the period from 1st September, 2023 to 7th May, 2024 (311 days) that she was in custody shall be deducted from the sentence of 15 months imprisonment.
4. This file is hereby 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.

