



**Otieno v Republic (Criminal Miscellaneous Application
E098 of 2025) [2025] KEHC 11101 (KLR) (28 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 11101 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL MISCELLANEOUS APPLICATION E098 OF 2025**

JM OMIDO, J

JULY 28, 2025

BETWEEN

JACOB OLUOCH OTIENO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. I have considered the Application dated 1st April, 2025 in which the Applicant seeks an order for review of his sentence so that the period that he spent in custody be considered.
2. From the record of the trial court, the Applicant was arraigned on 4th April, 2022 and was remanded in custody. He remained in custody until 6th December, 2024 when he was sentenced to serve 40 years imprisonment. The Applicant complains that the trial court did not direct that his sentence commences from the date was first remanded.
3. Having carefully considered the application, I reach the persuasion that the same cannot succeed for two reasons:
 - i) This court does not have supervisory jurisdiction over a court (Judge) of concurrent jurisdiction. Put in another way, I cannot vary another High Court Judge's orders/sentence.
 - ii) I note that the sentencing court ordered that the sentence of 40 years runs from 19th March, 2022, a date that is before the Applicant's arraignment. The period that the Applicant spent in custody was therefore considered by the sentencing court.
4. All the foregoing considered, I find the Applicant's motion 1st April, 2025 to lack merit and I proceed to dismiss the same.
5. 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.

