



**Ouma v Republic (Miscellaneous Criminal Case E097 of 2025)
[2025] KEHC 10898 (KLR) (22 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 10898 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL CASE E097 OF 2025**

**JM OMIDO, J
JULY 22, 2025**

BETWEEN

KELVIN OCHIENG OUMA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. I have considered the application by the Applicant dated 25th June, 2025 seeking review of his sentence so that the period that he remained in custody while awaiting trial be considered.
2. From the record of the lower court, the Applicant was presented for and took plea on 7th August, 2023. He remained in custody during the entire period of his trial, which was concluded on 7th November, 2024 when he was sentenced to serve 7 years imprisonment.
3. Effectively then, the sentence of imprisonment commenced on 7th November, 2024.
4. Section 333(2) of the *Criminal Procedure Code* dictates that a sentencing court must, when imposing a sentence, take into account the period that the person to be sentenced has spent in remand while awaiting the conclusion of his trial. The trial court in the present case did not comply with that provision, with the result that the ensuing sentence was excessive.
5. The foregoing being the position, I proceed to allow the application presented by the Applicant only to the extent that the sentence of 7 years imprisonment shall run from 7th August, 2023 being the date that he took plea.
6. This file is hereby closed.

JOE M. OMIDO

JUDGE



DELIVERED, DATED & SIGNED THIS 22ND DAY OF JULY, 2025.

Applicant: Present.

For Respondent: Ms. Muema.

Court Assistants: Mr. Ngoge & Mr. Juma.

