



REPUBLIC OF KENYA



**Ondeché v Republic (Miscellaneous Criminal Application
E158 of 2021) [2025] KEHC 12522 (KLR) (9 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 12522 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
MISCELLANEOUS CRIMINAL APPLICATION E158 OF 2021
RN NYAKUNDI, J
SEPTEMBER 9, 2025**

BETWEEN

TIMOTHY ONDECHE APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. Before this court for determination is an application dated 28th day of July 2021 where the Applicant is seeking the following orders:
 - a. That the period spent in remand be computed to the current sentence.
 - b. That the said period so spent during the pre-trial period to start from the date of arrest.
2. Which application is based on the grounds:
 - a. That during the delivery of judgment the Applicant was nervous and could not comprehend what was going on.
 - b. That upon being ferried to prison the Applicant has reconsidered and come to terms that the period spent in remand has not been accounted for being 2 years 6 months
 - c. That section 333(2) of the CPC cap 75 of the laws of Kenya allows and decrees the reconstitution and fresh computation of the period spent in remand as was held by Justice George Odunga sitting in Machakos (2021) eKLR
3. The Application is supported by the annexed affidavit sworn by the Applicant who avers as follows;
 - a. That the dismissal of the appeal related to a conviction for the offence of murder and which I had been sentenced to 5 years' imprisonment by the High Court no. 3 S. M. Githinji (J) in criminal case no. 41 of 2017.



- b. That I pray that the application be allowed
- c. That this oath has been brought promptly and in good faith and no falsehood is intended.

Decision

- 4. This application has been filed before this court in terms of Article 165 (6) (7) and Article 50 (6) (a) (b) of *the Constitution* for a new trial to be initiated by this court. The particulars of the charge and subsequent conviction and sentence was achieved through a plea bargaining agreement pursuant to section 137 (A)-(O) of the Criminal Procedure Code.
- 5. The record has been read and appreciated that there is no merit in this application to exercise revisionary jurisdiction by this court. The applicant shall serve the full term as imposed by the trial court.

DATED, SIGNED AND DELIVERED AT ELDORET THIS 9TH DAY OF SEPTEMBER 2025

.....

R. NYAKUNDI
JUDGE

