



**Ochieng v Republic (Criminal Revision E146 of 2023)  
[2024] KEHC 4325 (KLR) (Crim) (15 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 4325 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
CRIMINAL  
CRIMINAL REVISION E146 OF 2023  
LN MUTENDE, J  
APRIL 15, 2024**

**BETWEEN**

**STEPHEN GORDON OCHIENG ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. Through a Notice of Motion dated 31<sup>st</sup> January, 2023 the applicant seeks review of sentence. It is averred that the applicant was sentenced to serve 17 years imprisonment hence seeks to serve the remaining part of the sentence on non-custodial basis.
2. Secondly, the applicant also avers that he spent time in custody that was not considered pursuant to Section 333(2) of the *Criminal Procedure Code*.
3. I have not had the benefit of perusing the lower court record, but, this is a matter that has been mentioned severally without the offender making any appearance.
4. A perusal of the committal warrant shows that the applicant was convicted and sentenced on 16<sup>th</sup> September, 2022 to pay a fine of Ksh. 100,000/- and in default to serve five months imprisonment on count I. Then on count II he was fined Ksh. 300,000/- and in default to serve twelve (12) months imprisonment.
5. The order as to the manner which the sentences were to be served was not indicated. But, being fines, the sentences are deemed to have been intended to run consecutively which makes it 17 months.
6. The sentence having been meted out on 16<sup>th</sup> September, 2022 the seventeen months must have lapsed in February, 2024. Therefore the sentence must have been served.



7. For that reason, the application is deemed to have been abandoned.

8. The file is closed.

**DATED, SIGNED AND DELIVERED VIRTUALLY THROUGH MICROSOFT TEAMS AT  
NAIROBI, THIS 15<sup>TH</sup> DAY OF APRIL, 2024.**

**L. N. MUTENDE**

**JUDGE**

**IN THE PRESENCE OF:**

Ms. Wafula for ODPP

Court Assistant - Gladys

