



**Ouma v Republic (Miscellaneous Criminal Case E112 of 2023)
[2024] KEHC 5432 (KLR) (20 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5432 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL CASE E112 OF 2023**

DO OGEMBO, J

MAY 20, 2024

BETWEEN

JENES OTIENO OUMA APPELLANT

AND

REPUBLIC RESPONDENT

(Being an Application for review of sentence and Conviction in Siaya CM's Court vide Criminal Misc. No. E433 of 2022 delivered by Hon. M. O. Wambani(CM) dated 3/5/2023)

RULING

1. The accused/Applicant was charged with the offence of assault causing actual bodily harm contrary to Section 251 of the Penal Code. He was sentenced to serve three years imprisonment. He pleads that the period he served in custody be accounted for in his sentence. The prosecution has not made any submission on this application.
2. Section 333 (2) of the Criminal Procedure Code declares that such period served in custody be accounted for in the sentence. The trial court did not factor this in the sentence. It ought to have done so.
3. I allow this application dated 15/12/2023 and review the sentence of the Applicant. I order that he will serve three years imprisonment as ordered by the trial court. The sentence shall run from 15/12/2022, the date he was first arraigned in court. It is so ordered.

Dated, Signed and Delivered this 20th Day of May, 2024.

D. O. OGEMBO

JUDGE

20/5/2024



