



**Omondi v Republic (Miscellaneous Criminal Application
105 of 2023) [2024] KEHC 5195 (KLR) (16 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5195 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL APPLICATION 105 OF 2023**

DO OGEMBO, J

MAY 16, 2024

BETWEEN

EVANS OTIENO OMONDI APPLICANT

AND

REPUBLIC RESPONDENT

*(Being an Application for review of sentence and Conviction of Siaya CM's Court vide
Sexual Offence Case No. S.O 03 of 2020 delivered by Hon. Benjamin B. Limo dated 6/3/2023)*

RULING

1. The Applicant herein, Evans Otieno Omondi, has filed an application herein dated 19/10/2023 seeking revision of his sentence to account for the period he spent in remand custody. He relies on the case of *Abmed Abolfathi Mobamed v R* (2018) eKLR. The prosecution made no submissions on this application.
2. I have considered this application. I have also considered the record of proceedings of the trial court. The sentence proceedings of the court on 6/3/2023, reads in part;

“.....The accused is hereby sentenced to 10 years imprisonment. 14 days Right of Appeal.”
3. The sentence does not show when it runs from. The trial magistrate ought to have indicated the time the sentence of the Applicant was to run in accordance with Section 333 (2) of the *Criminal Procedure Code*.
4. It is for this reason that I find merit in the application of the Applicant. I allow the same and revise the sentence herein. The Applicant shall serve 10 years imprisonment as ordered by the trial court. The sentence shall run from 14/1/2020 when the Applicant was first arraigned in court. It is so ordered.

DATED, SIGNED AND DELIVERED THIS 16TH DAY OF MAY, 2024.



D. O. OGEMBO

JUDGE

16/5/2024

Court

Read in Court in presence of the Accused and Ms. Kerubo for State.

D. O. OGEMBO

JUDGE

