



**Odongo Alias Wesonga v Republic (Criminal Revision
E005 of 2024) [2024] KEHC 5048 (KLR) (7 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5048 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL REVISION E005 OF 2024**

RE ABURILI, J

MAY 7, 2024

BETWEEN

SAMUEL ODHIAMBO ODONGO ALIAS WESONGA APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in the
High Court Criminal Case No. 18 of 2009 at Kisumu)*

RULING

1. The Convict/Applicant is Samuel Odhiambo Odongo alias Wesonga. He was convicted of the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code vide Kisumu HCCRC No 18 of 2009.
2. He was sentenced to serve 25 years' imprisonment on 26th July 2012 as per the warrant of committal annexed.
3. The sentence does not mention the period that the convict was in prison custody pending trial, according to the warrant of commitment to prison attached.
4. He prays that Section 333(2) of the Criminal Procedure Code be taken into account in computing the prison term.
5. From the Judgment of H. K. Chemitei J of 4th July 2012, the Convict was arrested on 12th March 2009. There is no evidence that he benefitted from bond terms in capital offences as such offences were not bailable pre-2010 Constitution.
6. I invoke Section 333(2) of the Criminal Procedure Code and order that the 25 years' imprisonment shall run from 12th March 2009 when the convict was arrested.



7. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 7TH DAY OF MAY, 2024

R. E. ABURILI

JUDGE

