



REPUBLIC OF KENYA



**Odongo v Republic (Criminal Revision E005 of 2024)  
[2024] KEHC 4788 (KLR) (7 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 4788 (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**

**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 26<sup>th</sup> 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 4<sup>th</sup> July 2012, the Convict was arrested on 12<sup>th</sup> 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 12<sup>th</sup> March 2009 when the convict was arrested.
7. I so order.

**Dated, Signed and Delivered at Kisumu this 7<sup>th</sup> Day of May, 2024**



**R. E. ABURILI**

**JUDGE**

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