



**Okerio v Republic (Criminal Revision E110 of 2024)
[2024] KEHC 9032 (KLR) (13 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 9032 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VOI
CRIMINAL REVISION E110 OF 2024
GMA DULU, J
JUNE 13, 2024**

BETWEEN

DOUGLAS ONYANCHA OKERIO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. In this request for revision of sentence under Section 333(2) of the *Criminal Procedure Code* (Cap.75), the learned Prosecuting Counsel Mr. Sirima on behalf of the Director of Public Prosecutions does not oppose the request.
2. In his oral submissions, the learned Prosecution Counsel pointed out that this is a request by the applicant for factoring the period the applicant was in remand custody during trial between 13th November 2022 to 5th September 2023 in the prison sentence.
3. Having myself perused the trial court record, I note from the charge sheet, that the applicant was arrested on 13th November 2022, and though he was granted bail/bond by the trial court, he could not fulfil the conditions and thus remained in custody until 5th September 2023 when he was sentenced.
4. In accordance with the statutory requirements under Section 333(2) of the *Criminal Procedure Code*, the period in custody during trial should have been factored by the trial court in the prison sentence, which was not done.
5. I thus review the sentence imposed and order that the prison sentence runs from 13th November 2022 when the applicant was arrested.

**DATED, SIGNED AND DELIVERED THIS 13TH DAY OF JUNE 2024 IN OPEN COURT AT VOI.
GEORGE DULU**



JUDGE

In the presence of:-

Alfred/Trizah – Court Assistants

Applicant in person

Mr. Sirima for the State

