



**Olongo v Republic (Miscellaneous Criminal Application
E010 of 2023) [2023] KEHC 799 (KLR) (9 February 2023) (Ruling)**

Neutral citation: [2023] KEHC 799 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL APPLICATION E010 OF 2023
RE ABURILI, J
FEBRUARY 9, 2023**

BETWEEN

CHARLES OWINO OLONGO APPLICANT

AND

REPUBLIC RESPONDENT

(Being an Application for sentence review in Judgment, conviction and sentence of Hon. J.O. Ongondo, SPM in Bondo PM SO No. 503/2012 and in Kisumu HCCRA No. 98/2012)

RULING

1. The convict/applicant Charles Otieno Olongo claims that he was convicted and sentenced to serve twenty (20) years imprisonment vide Bondo PM SO No. 503/2012 and his appeal to Kisumu HCCRA 98/2012 was dismissed. He now applies that this court considers section 333(2) of the [Criminal Procedure Code](#) on the time he spent in prison custody which was 3 months from 9/7/2012 to 9/10/2012 when he was convicted and sentenced.
2. I have perused the warrant of commitment to prison dated 9/10/2012.
3. The sentence imposed did not take into account the period spent in custody.
4. For the above reasons, I find the application dated 2/2/2023 merited. I allow it and order that the twenty (20) years imprisonment imposed on the applicant/convict herein shall take into account or be calculated from the date of his arrest on 9/7/2012.
5. I so order.
6. File closed.

Dated, signed and Delivered at Siaya this 9th Day of February, 2023

R.E. ABURILI



JUDGE

