



Ochieng & 3 others v Republic (Miscellaneous Criminal Application E049 of 2022) [2023] KEHC 2876 (KLR) (24 March 2023) (Ruling)

Neutral citation: [2023] KEHC 2876 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E049 OF 2022**

**RE ABURILI, J
MARCH 24, 2023**

BETWEEN

**DOUGLAS OTIENO OCHIENG 1ST APPLICANT
BRIAN JUMA OCHIENG 2ND APPLICANT
SIMON OCHIENG ONGWEN 3RD APPLICANT
MARK OTIENO OBUOR 4TH APPLICANT**

AND

REPUBLIC RESPONDENT

RULING

1. The four (4) Applicants herein Douglas Otieno Ochieng, Brian Juma Ochieng, Simon Ochieng Ongwen and Mark Otieno Obuur by their application filed in court on April 19, 2022 seek for orders that the court takes into account Section 333(2) of the *Criminal Procedure Code* in computing their sentence of ten (10) years imprisonment imposed on them on November 26, 2020 in High Court Criminal Case No 13 of 2019 from the date of arrest on March 23, 2019, a period of eight (8) months.
2. Despite the Deputy Registrar calling for the trial court file High Court Criminal No 13 of 2019, no action has been taken. I allow the application and grant the orders sought.
3. I order that the ten (10) years imprisonment imposed on the Convicts/Applicants herein on March 26, 2020 shall be calculated from the date of arrest on March 23, 2019, if the convicts were not on bond pending trial and this fact can be verified by the prisons authorities.
4. Order/signal to issue and served on the convicts through prison authorities.
5. File closed.
6. I so order.



DATED, SIGNED AND DELIVERED AT KISUMU THIS 24TH DAY OF MARCH, 2023

R E ABURILI

JUDGE

