



**Atai v Republic (Miscellaneous Criminal Application
E075 of 2022) [2023] KEHC 3426 (KLR) (13 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3426 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E075 OF 2022**

**RE ABURILI, J
APRIL 13, 2023**

BETWEEN

KELVIN ATAI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The convict/applicant Kelvin Atai was convicted and sentenced to serve three (3) years imprisonment on October 18, 2021 for the offence of handling stolen property contrary to section 322(1) (2) of the *Penal Code*, vide Tamu Principal Magistrate's Court in Criminal Case No. 128 f 2021.
2. He has not appealed and prays that the three (3) years imprisonment be calculated from the date of arrest on March 16, 2021. The court called for the lower court file which has not been forthcoming from July 8, 2022.
3. I hereby allow the application and order that the three (3) years imprisonment imposed on the convict shall be calculated from the date of his arrest on March 16, 2021 subject to verification by prison authorities from the trial court that the convict was in custody during that period until sentencing on October 18, 2021.
4. This file is now closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 13TH DAY OF APRIL, 2023

R. E. ABURILI

JUDGE

