



**Arika v Republic (Miscellaneous Criminal Application
E047 of 2022) [2023] KEHC 3144 (KLR) (12 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3144 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E047 OF 2022**

**RE ABURILI, J
APRIL 12, 2023**

BETWEEN

GEORGE OCHIENG ARIKA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant/Convict is George Ochieng Arika. He was convicted and sentenced to serve twenty (20) years for the offence of defilement contrary to Section 8(1) as read with Section 8(3) of the *Sexual Offences Act*.
2. He now prays that the period spent in custody be considered in line with Section 333(2) of the *Criminal Procedure Code*.
3. I have considered the application and perused the original court file in Winam Principal Magistrate's Court Sexual Offences Case No 10 of 2016 which is available.
4. From the charge sheet dated August 26, 2016, the Applicant was arrested on August 21, 2016. He took plea on August 26, 2016. On September 9, 2016, the court granted him bond of Kshs 150,000/= and on October 7, 2016, the bond terms were reduced to Kshs 120,000/=. However, there is no evidence that he was released on bond during the trial.
5. In the circumstances, I allow the application as presented. I order that the twenty (20) years imprisonment shall be calculated from date of arrest on August 21, 2016.
6. Signal to issue.
7. File closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 12TH DAY OF APRIL, 2023



R. E. ABURILI
JUDGE

