



**Okeyo v Republic (Miscellaneous Criminal Application
E097 of 2022) [2023] KEHC 3308 (KLR) (13 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3308 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E097 OF 2022**

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

BETWEEN

LUCAS ODHIAMBO OKEYO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant Lucas Odhiambo Okeyo was convicted of the offence of Rape and indecent assault contrary to Section 20 of the *Sexual Offences Act* vide Winam Senior Principal Magistrate's Court Sexual Offences Case No 86 of 2020 and sentenced to serve ten (10) years imprisonment on September 20, 2022, as per the warrant of commitment dated September 20, 2022 annexed.
2. He now applies that the period he spent in custody be considered in sentencing as it was not considered.
3. The Applicant does not state when he was arrested and neither did he annex copies of proceedings from the lower court for perusal and verification whether he was in custody or released on bond pending trial.
4. I find the application filed on September 30, 2022 not supported. The same is hereby dismissed.
5. The applicant is at liberty to file a fresh application annexing proceedings from the lower court for reconsideration.
6. This file is therefore closed.
7. I so order.

Dated, Signed and Delivered at Kisumu this 13th Day of April, 2023

R. E. ABURILI



JUDGE

