



**Ochieng v Republic (Miscellaneous Criminal Application
E125 of 2022) [2023] KEHC 3154 (KLR) (12 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3154 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E125 OF 2022**

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

BETWEEN

KENNEDY NDEGE OCHIENG ALIAS GILDEN OCHIENG APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant is Kennedy Denge Ochieng alias Gilden Ochieng. By his application dated November 22, 2022 he seeks orders that the four (4) years imprisonment meted out on him for the offence of stealing good contrary to Section 278 of the *Penal Code* be calculated from the date of arrest on February 8, 2022 to the date of sentencing on May 10, 2022 which is 3 months and 2 days.
2. I have considered the application and the annexed warrant of commitment for a sentence of imprisonment dated May 10, 2022. Although court proceedings are not annexed, the prison authorities can verify whether the convict had been in custody pending trial in this matter of short term sentence.
3. I allow the application. I order that the prison term as imposed on the Convict/Applicant herein Kennedy Denge Ochieng alias Gilden Ochieng shall be calculated from the date of his arrest on February 8, 2022 until he was sentenced on May 10, 2022.
4. Prisons to be notified forthwith.
5. I so order.
6. File is closed.

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

R. E. ABURILI



JUDGE

