



**Mmeywa v Republic (Criminal Application E041 of 2023)
[2023] KEHC 27454 (KLR) (17 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 27454 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL APPLICATION E041 OF 2023
MS SHARIFF, J
OCTOBER 17, 2023**

BETWEEN

RASHID ABDI MMEYWA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant herein one Rashid Abdi Mmeywa was charged and convicted of the offence of manslaughter contrary to Section 202 as read with 205 of the *Penal Code*. On 21st July he was sentenced to serve 10 years imprisonment by justice Fred A. Ochieng who duly considered the period that the Applicant had spent in custody prior to his conviction as was required of him under the provision of Section 333 (2) of the *Criminal Procedure Code* CAP 75 Laws of Kenya.
2. The Applicant has now approached this court for review of his sentence on grounds that the trial court had failed to consider the pre trial period during his sentencing, a fact that is false.
3. The Applicant's application is thus devoid of merit and is thus dismissed.
4. It is so ordered.

DELIVERED, SIGNED AND DATED AT KISUMU THIS 17TH DAY OF OCTOBER, 2023.

MWANAISHA S. SHARIFF

JUDGE

