



**Obar v Republic (Miscellaneous Criminal Application E201 of 2024)
[2024] KEHC 12181 (KLR) (14 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 12181 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E201 OF 2024
MS SHARIFF, J
OCTOBER 14, 2024**

BETWEEN

ERICK OTIENO OBAR APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant Erick Otieno Obar has moved this court under the provisions of Section 333 (2) of the Criminal Procedure Code and beseeches this court to review his sentence of 3 years by deducting a period of 1 year and 3 months that he says he spent in custody.
2. Upon perusal of the proceedings of the trial court as annexed to this application I note that the Applicant took plea on 18.9.2019 and his bond was approved on 29.10.2019 wherefore the Applicant had been in custody for 40 days only and not for 1 year and 3 months as he alleges.
3. On the balance I find that the Applicant has approached this court with tainted hands. However, I do hold that the 40 days that he spent in custody should be deducted during the computation of his sentence pursuant to the provisions of Section 333 (2) of the Criminal Procedure Code.
4. This file is marked as closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 14TH DAY OF OCTOBER, 2024.

M. S. SHARIFF

JUDGE

