



**Oluoch v Republic (Miscellaneous Criminal Application
E055 of 2024) [2024] KEHC 11859 (KLR) (3 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 11859 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
MISCELLANEOUS CRIMINAL APPLICATION E055 OF 2024**

JK SERGON, J

OCTOBER 3, 2024

BETWEEN

AMON ONYANGO OLUOCH APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant was convicted and sentenced to 15 years imprisonment for the offence of robbery with violence contrary to section 296 (2) of the [Penal Code](#) vide *Criminal Case No. 4160 of 2016* on 1st November, 2019 by the Learned Principal Magistrate Honourable S.K. Ngetich.
2. The Applicant filed an appeal in the High Court vide High Court *Criminal Appeal No. 32 of 2019* which he withdrew after he was served with a notice of enhancement by the Director of Public Prosecution.
3. The Applicant has made an application under section 333(2) of the [Criminal Procedure Code](#) for inclusion of the period he was in custody prior to his sentence of 15 years imprisonment.
4. The prosecution did not oppose the said application.
5. This Court has studied the original record and noted that the applicant was first arraigned in court on 22nd November, 2016, he applied for bail and he was released on a bond of Kshs. 1,000, 000/= and a surety of similar amount on 8th December, 2016, upon completion of the hearing, on 11th October, 2019 the trial court canceled the bond and discharged the surety pending mitigation and submissions on sentence. The applicant was subsequently sentenced to 15 years imprisonment on 1st November, 2019. It is the finding of this court that the applicant was out on bond during the trial.
6. This court therefore finds that the application for inclusion of the time spent in custody prior to sentencing, to be devoid of merit, it is hereby dismissed.



DATED, SIGNED AND DELIVERED AT KERICHO THIS 3RD DAY OF OCTOBER, 2024.

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J.K. SERGON

JUDGE

In the presence of:

C/Assistant – Rutoh

Prosecutor – Musyoki

Applicant – Present in Person

