



**Obata v Republic (Criminal Miscellaneous Application E109 of 2023)
[2024] KEHC 14343 (KLR) (8 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14343 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL MISCELLANEOUS APPLICATION E109 OF 2023
RE ABURILI, J
NOVEMBER 8, 2024**

BETWEEN

ODUMA OBATA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant Oduma Obata was convicted of rape contrary to Section 3(1) as read with Section 3 (3) of the [Sexual Offences Act](#) vide Bondo PM Sexual Offence Case. No 08/2018. He was sentenced to serve 10 years imprisonment on 4/9/2018.
2. He applied vide Siaya HCR Revision 8/2020 which was dismissed on 20/3/2020.
3. The convict is before the count again vide his application dated 26/6/2023 seeking for consideration of the 8 months spent in custody during trial to be considered in his sentence.
4. I have perused the application and the trial court record.
5. When the applicant took plea of not guilty on 21/2/2018 he was granted bond of Kshs 100,000/= plus one surety of similar amount. There is however no evidence that the Applicant was released on bond. The 10 years imprisonment was the mandatory minimum. The trial court could have imposed more. However, in view of Section 333 (2) of the [Criminal Procedure Code](#). I order that the 10 years imprisonment shall be calculated from 16/2/2018, date of arrest of the convict herein Oduma Obata. Signal to issue. This file is closed. I so order.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 8TH DAY OF NOVEMBER, 2024

R. E. ABURILI

JUDGE

