



**Otieno v Republic (Miscellaneous Criminal Application 118 of 2023)
[2024] KEHC 14346 (KLR) (8 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14346 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL APPLICATION 118 OF 2023
RE ABURILI, J
NOVEMBER 8, 2024**

BETWEEN

FREDRICK ONYANGO OTIENO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant Fredrick Onyango Otieno was convicted and sentenced to serve 20 years imprisonment on 16/9/2016 vide Ukwala PM Sexual Offence Case no 30/2016 for the offence of defilement contrary to Section 8(1) as read with Section 8 (3) of the *Sexual Offences Act*.
2. He appealed *vide* Siaya HCCRA 134/2016 which appeal was heard on merit and dismissed on 18/4/2018. Vide his application filed on 3/8/2023, the convict seeks for consideration of the period he spent in custody from 12/1/2016 to 9/4/2018 to be part of the sentence served.
3. I have perused the application as filed, the grounds and supporting affidavit.
4. I have also perused the trial court record in Ukwala PM SO Case no 30/2016. The convict was arrested on 17/1/2016 according to the charge sheet dated 19/1/2016. He appeared in court for plea on 19/1/2016 and after pleading not guilty, the hearing took place in earnest on the same day. He was convicted and sentenced on 28/9/2016.
5. I allow the application and order that the 20 years' imprisonment imposed shall be calculated from 17/1/2016 date of arrest.
6. Signal to issue. File closed.
7. I so order.

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



R. E. ABURILI
JUDGE

