



REPUBLIC OF KENYA



**Otieno v Republic (Miscellaneous Criminal Application E021 of 2024)
[2024] KEHC 14861 (KLR) (7 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14861 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MIGORI
MISCELLANEOUS CRIMINAL APPLICATION E021 OF 2024**

A. ONG'INJO, J

NOVEMBER 7, 2024

BETWEEN

STEPHEN OOKO OTIENO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant was convicted in Migori CMCCRC No E986 OF 2024 for the offence of manslaughter contrary to Section 202 as read with Section 205 of the [Penal Code](#). He was sentenced to serve 7 years imprisonment.
2. The Applicant now seeks that the 7 months that he spent in remand custody should be factored in his sentence.
3. While sentencing the Applicant in his mitigation was considered but the trial Magistrate did not indicate specifically if the sentence factored in any remand period.
4. The Appellant was remanded in custody on 23.9.2021 and sentenced to start jail term of 7 years on 9.2.2021. There is no indication on record that one was able to secure a surety to stand for him on bond of Kshs. 200,000/= surety of similar amount as ordered on 9.9.2021.
5. In the circumstance, the applicant was entitled to the benefit of the remand period from 9.9. 2021 to be factored in his sentence pursuant to Section 333(2) [Criminal Procedure Code](#).
6. The 7 years sentence will accordingly effect from 9.9. 2021.

DELIVERED DATED AND ASSIGNED AT MIGORI THIS 7TH DAY OF NOVEMBER, 2024.

A. ONG'INJO

JUDGE



In the presence of:

Ms Ikol for Respondent

No appearance for Applicant

Court Assistant Victor

