

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

MISC. CRIMINAL APPLICATION NO. E107 OF 2021

CORAM: R.E. ABURILI, J

DICKSON NAMITI MASIBO.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application arising from conviction and sentence of the

Principal Magistrate's court at Siaya in Criminal Case No. 599 of 2015)

RULING

1. The applicant is serving 10 years imprisonment upon being convicted for the offence of rape contrary to **Section 3(1) of the Sexual Offences Act**. He claims that he was in remand for 10 months, which period was not considered by the trial court.
2. He has however not attached any proceedings to this application to inform this court of the position and whether this court can consider the period spend in custody as stipulated in **Section 333(2) of the Criminal Procedure Code**.
3. For want of material before this court, I decline to grant the orders sought. The application is dismissed.
4. File closed.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 16TH DAY OF NOVEMBER, 2021

R.E. ABURILI

JUDGE