

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT GARISSA

CRIMINAL MISC. APPLICATION NO. 17 OF 2019

AHMED ISLAM DUR.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

1. The appellant was charged with 3 counts; one of possession of ammunition 494 rounds, two preparation to commit a felony and three residing outside designated area without permission from authority.
2. All these offences being committed on 11/3/2014 at Jambele market Fafi Sub-County, Garissa County.
3. He was convicted and sentenced in respect of count one and three and whereof he is serving 3 and 10 years respectively.
4. He appealed to High Court sitting at Garissa vide HCCRA No. 110 of 2014 but same was dismissed after he was heard.
5. He now approaches this court for order that he be awarded remission and also his sentence to commence from the date of arrest 11/3/2014.
6. The State does not oppose the application. Thus court makes the following orders:-
 - (1) **The sentence to the accused person will be computed from 11/3/2014.**
 - (2) **The prisons authority shall consider whether he has met the threshold of grant of the remission and act according to the law.**

DATED, DELIVERED AND SIGNED AT GARISSA THIS 18TH DAY OF NOVEMBER, 2019.

.....

C. KARIUKI

JUDGE