

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT BUSIA
MISCELLANEOUS CRIMINAL APPLICATION NO. E014 OF 2025

NOVAN OSAVA ONYANGO.....APPLICANT
VERSUS
REPUBLIC.....RESPONDENT

RULING

1. The applicant herein had been charged, in Busia HCCRC No. E011 of 2022, with murder, contrary to section 203, as read with section 204, of the Penal Code, Cap 63, Laws of Kenya, was convicted, and sentenced to serve 15 years in prison.
2. He has now come back to the High Court; to seek reckoning of the period he spent in custody in the sentence imposed. His application is undated.
3. The conviction was on 27th November 2023, and sentencing on 2nd February 2024. The applicant had been arrested on 19th August 2022. He was first presented to court on 7th September 2022. Plea was taken on 19th September 2022. He was admitted to bond, which was never processed. The period between arrest and sentencing is roughly 18 months.
4. There is a case made out in the application, undated, and I hereby grant it. Let that period be taken into account, in calculation of the period that the applicant shall spent in prison. The application is disposed of in those terms.

5. The Deputy Registrar shall cause a certified copy of this ruling to be made available to the applicant, for information, through the officer commanding the prison where he is serving sentence. Orders accordingly.

**DELIVERED, VIA EMAIL, DATED AND SIGNED IN CHAMBERS,
AT BUSIA, ON THIS 17TH DAY OF OCTOBER 2025.**

**W MUSYOKA
JUDGE**

Mr. Arthur Etyang, Court Assistant.

Mr. Novan Osava Onyango, the applicant, in person.

Advocates

Mr. Tony Onanda, instructed by the Director of Public Prosecutions, for the respondent.