

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT KISUMU**  
**CRIMINAL DIVISION**  
**CRIMINAL APPEAL NO. E015 OF 2023**

**KENNEDY OUKO WERE alias NICHOLAS GENGA alias WILSON**

**ORUWA alias CHARLES NYABONGA NGAYWA ..... APPLICANT**

**- VERSUS -**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. I have considered the application. I have considered the record. The applicant was sentenced to **3 years'** imprisonment for obtaining and **2 years'** imprisonment for forgery. The sentences were to run consecutively from **5/3/2021** according to the record signed on **11/11/2022** by the trial court.
2. However, the Committal warrant dated **11/11/2022** reads: -  

***“3 years’ imprisonment 7 years’ imprisonment sentences to run consecutively from 5/3/2021 when the accused was first remanded.”***
3. The Committal warrant was erroneous and illegal. It is not in accordance with the sentence of the Court.
4. Accordingly, I hereby quash the said warrant and replace it with **3 years'** imprisonment and **2 years'** imprisonment, respectively. The sentence is to run consecutively from **5/3/2021**.

5. Accordingly, the applicant has already served his sentence as at **4/3/2026**. He is hereby to be set at liberty forthwith unless otherwise lawfully held.

6. This file is hereby closed.

It is so ordered.

**DATED** and **DELIVERED** at Kisumu this **23<sup>rd</sup>** day of **April, 2026**.

**A. MABEYA, FCI Arb**

**JUDGE**