

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT HOMABAY

CRIMINAL APPLICATION NO. E062 OF 2025

PAUL OUKO
APPLICANT

VERSUS

REPUBLIC
RESPONDENT

RULING

1. The record herein is clear that the applicant was arrested on the 16/6/2019 and arraigned in court on the next day.
2. There is no record that he was ever released on bond pending trial without record of release, the court is satisfied that he remained in remand custody throughout pending trial.
3. Further perusal of the record reveal that on the date he was sentenced 20/4/2020, the court did not comment on the commencement date, thus subject the sentence to commence on the date it was imposed which run affront. Section 333(2) criminal procedure code and denies the applicant his right to the least of the severe punishment prescribed.
4. For the failure of the trial court, its sentence is revised and directed to be computed from the 16/6/2019, the day he was arrested and committed to custody.
5. It is so ordered.
6. Let the court file be closed.

Dated, signed and delivered this 4th day of March, 2026

Patrick J O Otieno

Judge

Original