



**Odio v Republic (Criminal Appeal 228 of 2019)  
[2024] KECA 1530 (KLR) (29 October 2024) (Order)**

Neutral citation: [2024] KECA 1530 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT KISUMU  
CRIMINAL APPEAL 228 OF 2019  
HM OKWENGU, JM MATIVO & JM NGUGI, JJA  
OCTOBER 29, 2024**

**BETWEEN**

**ARMSTRONG OCHIENO ODIO ..... APPELLANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(An appeal from the judgment of the High Court of Kenya at  
Busia (Kiarie J.) dated 6th May 2019 in HCCRA No. 23 of 2016)*

**ORDER**

1. On 20<sup>th</sup> September, 2024, the Judgment of this Court was delivered by a Single Judge through the Go To Meeting Virtual Platform. The appellant’s appeal against conviction was dismissed, but the appeal against sentence was allowed to the limited extent of substituting the death penalty to life imprisonment and translating the indefinite life imprisonment to a term of thirty (30) years imprisonment.
2. After delivery of the judgment the appellant requested that he be allowed the benefit of Section 333 of the Criminal Procedure Code, as he had remained in custody throughout his trial. As it was necessary for the full bench to confer on the matter, the appellant was informed that he would be advised of the position in due course.
3. We have since perused the record of appeal, and established that the appellant was first arraigned in the High Court, on 30<sup>th</sup> August, 2016, and that he was denied bail on allegations of interference with witnesses. He therefore remained in remand throughout the trial.
4. Accordingly, in accordance with Section 333(2) of the Criminal Procedure Code the sentence of thirty (30) years imprisonment shall be computed to run from August 30, 2016.



5. A copy of this order shall be served on the appellant and the in- charge of the prison where he is being held.

**MADE AT KISUMU THIS 29<sup>TH</sup> DAY OF OCTOBER, 2024.**

.....  
**HANNAH OKWENGU**

**JUDGE OF APPEAL**

.....  
**J. MATIVO**

**JUDGE OF APPEAL**

.....  
**JOEL NGUGI**

**JUDGE OF APPEAL**

I certify that this is a true copy of the original

**DEPUTY REGISTRAR**

