



**Onyango v ODPP (Miscellaneous Criminal Application E049 of 2023)
[2024] KEHC 1859 (KLR) (22 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 1859 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
MISCELLANEOUS CRIMINAL APPLICATION E049 OF 2023
PJO OTIENO, J
FEBRUARY 22, 2024**

BETWEEN

JARED ONYANGO APPLICANT

AND

ODPP RESPONDENT

RULING

1. By its Judgment dated and delivered on 31.01.2020, the Court of Appeal set aside the sentence of death and substituted therefor a sentence of twenty- five (25) years. The Court did not set the date for the commencement of the sentence.
2. The Applicant now seeks that the sentence runs from the date of arrest and arraignment in court because he remained in custody pending trial.
3. The proceedings at trial does not read that he was ever granted bail at all. The Court finds that he was in prison throughout trial and is entitled to have the period taken into account. Section 333(2) is commanding upon the Court.
4. For that reason, it is ordered that the period of 25 years shall be computed from the 22.02.2020, the date the plea was taken, in accordance with the provisions of section 333(2) *Criminal Procedure Code*. Let the court file be closed.

DATED, SIGNED AND DELIVERED AT KAKAMEGA THIS 22ND DAY OF FEBRUARY, 2024

PATRICK J. O. OTIENO

JUDGE

