



Odero v Republic (Miscellaneous Criminal Application E039 of 2024) [2024] KEHC 4438 (KLR) (25 April 2024) (Ruling)

Neutral citation: [2024] KEHC 4438 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E039 OF 2024**

**RE ABURILI, J
APRIL 25, 2024**

BETWEEN

NICHOLUS OTIENO ODERO APPLICANT

AND

REPUBLIC RESPONDENT

(From the original conviction and sentence in the Chief Magistrate’s Court Criminal Case No. 743 of 2004 at Kisumu)

RULING

1. I have considered the application dated 13th March 2024 under certificate of urgency. I find no urgency involved. I decline to certify it as urgent.
2. However, noting the nature of the application which simply seeks for orders that the sentence be reviewed which is 15 years imprisonment, and the fact that the Applicant was in custody during the period of his trial which was pre-2010 situation where the offence of Robbery with violence was not bailable, I allow the application and order that the 15 year imprisonment shall be calculated from the date of arrest on 10th August 2004.
3. As the Convict Nicholas Otieno Odero has been in prison for now close to 20 years, I order that unless otherwise lawfully held, he has served the sentence imposed during resentencing. He shall be set at liberty forthwith unless otherwise lawfully held.
4. Signal to issue.
5. File closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 25TH DAY OF APRIL, 2024

R. E. ABURILI



JUDGE

