



REPUBLIC OF KENYA



**Ogunyo v Republic (Criminal Application E099 of 2024)
[2024] KEHC 10216 (KLR) (15 August 2024) (Ruling)**

Neutral citation: [2024] KEHC 10216 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL APPLICATION E099 OF 2024
RE ABURILI, J
AUGUST 15, 2024**

BETWEEN

MORRIS OWINO OGUNYO APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in Nyando SPM SO
Case No. 206 of 2011 on 11/11/2022 by Hon. C. Owiye, PM)*

RULING

1. The applicant is a convict of the offence of defilement under section 8(3) of the *Sexual Offences Act*. He was sentenced to serve twenty years in prison.
2. He now seeks orders that the one year that he spent in custody pending trial be taken into account. he appealed vide HCRA 58 of 2012 which appeal was dismissed.
3. From the partial proceedings that he has annexed, he appeared in court on 10/5/2011 and after the complainant testified, he was granted bond of Kshs 100,000 plus one surety of similar amount. he was released on bond on after his surety was approved on 8/7/2011 which was about two months.
4. The applicant in his application claims that he was in custody for one year and that he was arrested on 18/4/2011. He is obviously dishonest.
5. I find the application dated 3/4/2024 not merited. The same is hereby dismissed.
6. Signal to issue.
7. This file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 15TH DAY OF AUGUST, 2024



R.E. ABURILI
JUDGE

