



REPUBLIC OF KENYA



**Nyawima v Republic (Miscellaneous Criminal Application E157 of 2024)
[2024] KEHC 11588 (KLR) (26 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 11588 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E157 OF 2024
RE ABURILI, J
SEPTEMBER 26, 2024**

BETWEEN

ELIJAH ODONGO NYAWIMA APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in Nyando Senior Principal
Magistrate's Court Criminal Sexual Offences Case No. 21 of 2012)*

RULING

1. The Convict Elijah Odongo Nyawima was sentenced to serve twenty (20) years imprisonment on 31st October 2012 for the offence of defilement contrary to Section 8(1) as read with Section 8(2) of the [Sexual Offences Act](#) vide Nyando SPM Sexual Offences No. 21 of 2012.
2. He seeks for consideration of 9 months and 25 days he spent in custody from 6th January 2012 date of arrest to 31st October 2012.
3. There are no court proceedings annexed to prove that fact.
4. The application dated 16th August 2024 is unsupported and is hereby dismissed.
5. This file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 26TH DAY OF SEPTEMBER, 2024

R. E. ABURILI

JUDGE

