



REPUBLIC OF KENYA



**Otieno v Republic (Miscellaneous Criminal Application E158 of 2024)  
[2024] KEHC 11605 (KLR) (26 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 11605 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CRIMINAL APPLICATION E158 OF 2024  
RE ABURILI, J  
SEPTEMBER 26, 2024**

**BETWEEN**

**WILLIS OTIENO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original conviction and sentence in Winam Senior  
Principal Magistrate's Court Criminal Case No. E497 of 2023)*

**RULING**

1. Willis Otieno was convicted vide Winam SPM Criminal Case No. E497 of 2023 and sentenced to a fine of Kshs.100,000 in default to serve three (3) years imprisonment on 8<sup>th</sup> September 2023, for the offence of grievous harm contrary to Section 234 of the [Penal Code](#).
2. He applies for consideration of the period spent in custody pending trial from 17<sup>th</sup> April 2023 date of arrest to 8<sup>th</sup> September 2023.
3. No copies of proceedings are annexed to enable the court confirm that he was in custody during that period.
4. I find the application not supported. It is hereby dismissed and the file is closed.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 26<sup>TH</sup> DAY OF SEPTEMBER, 2024**

**R. E. ABURILI**

**JUDGE**

