



**Ochieng v Republic (Miscellaneous Criminal Application
E085 of 2022) [2023] KEHC 3106 (KLR) (28 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 3106 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E085 OF 2022**

**RE ABURILI, J
MARCH 28, 2023**

BETWEEN

CALVIN OMONDI OCHIENG APPLICANT

AND

REPUBLIC RESPONDENT

(Arising from Winam Senior Principal Magistrate Sexual Offence Case No 25 of 2019.)

RULING

1. The applicant/convict Calvin Omondi Ochieng claims that he was convicted of the offence of defilement contrary to section 8(1) (3) of the *Sexual Offences Act* and sentenced to serve ten (10) years imprisonment. This was vide Winam Senior Principal Magistrate Sexual Offence Case No. 25 of 2019 on May 6, 2022. He claims that the trial court did not take into account the period he spent in prison custody as the sentence pronounced on May 6, 2022 was from date of conviction.
2. However, the convict did not annex any proceedings for this court to peruse and satisfy itself on whether he was on bond during the trial or not.
3. I find the application unsupported. It is hereby dismissed.
4. The applicant can file another fresh application with documents in support.
5. File closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 28TH DAY OF MARCH, 2023

R. E. ABURILI

JUDGE

