



**Ongocho v Republic (Miscellaneous Criminal Application
E004 of 2023) [2023] KEHC 3084 (KLR) (28 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 3084 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E004 OF 2023**

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

BETWEEN

SAMSON OTIENO ONGOCHO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. From the documents filed herein by the convict Samson Otieno Ongocho, it is clear that he is a recidivist in many offences including Rape, Robbery with violence and possession of Narcotic and Psychotropic substances and was convicted in several files. In one of the files Kisumu Chief Magistrate's Court Criminal Case No 542 of 2017, he was acquitted on appeal vide HCCRA No 111 of 2018 but the offence is not indicated.
2. The other files are Kisumu Chief Magistrate Criminal Case No 541 of 2016 for Robbery with violence and rape while Criminal Case No 642 of 2018 is the one related to Narcotic and psychotropic substances.
3. He has consolidated his application seeking that this court considers fifteen (15) months spent in custody in Criminal Case No 541 of 2017 be considered yet he was acquitted in Criminal No 542 of 2017 and the only matter is of 541 of 2016. The case files quoted are not clear at all.
4. He has not attached court proceedings in any of the three quoted court files which should be separate.
5. I find the application convoluted and misguided. The convict can file a proper fresh application supported by proceedings for consideration by this court.
6. I so order.
7. File closed.



Dated, Signed and Delivered at Kisumu this 28th Day of March, 2023

R E ABURILI

JUDGE

