



**Ajwang v Republic (Miscellaneous Criminal Application E078 of 2023)  
[2023] KEHC 27139 (KLR) (18 December 2023) (Ruling)**

Neutral citation: [2023] KEHC 27139 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CRIMINAL APPLICATION E078 OF 2023  
RE ABURILI, J  
DECEMBER 18, 2023**

**BETWEEN**

**JOSEPH ACHIENG AJWANG ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Arising from the original conviction and sentence in Senior Principal  
Magistrate Court Criminal Sexual Offences Case No. 035 of 2022 at Winam)*

**RULING**

1. The applicant Joseph Ochieng Ajwang by his application filed on December 6, 2023 seeks orders that the be produced before court as soon as practical and that he stands to suffer irreparable and prejudice if the application is heard and determined.
2. I was curious to hear the application which seeks for production of an inmate into court. That sounded like *habeas corpus* application.
3. In the unsworn statement titled 'supporting affidavit' he states that he was sentenced to serve twenty (20) years imprisonment for the offence of defilement contrary to section 8(1) as read with Section 8(4) of the [Sexual Offences Act](#) by Winam SPM Sexual Offences Case No. 035 of 2022.
4. He does not state when he was convicted and sentenced but he says his appeal No. E051 of 2023 was not registered in good time.
5. It does not make sense that the Applicant had an appeal filed and a casefile number assigned to him but that it was not registered in time.
6. This application does not make any sense at all.
7. It is dismissed.



8. This file is closed.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 18<sup>TH</sup> DAY OF DECEMBER, 2023**

**R. E. ABURILI**

**JUDGE**

