



**Kibagendi v Republic (Miscellaneous Criminal Application
E074 of 2023) [2023] KEHC 26812 (KLR) (18 December 2023) (Ruling)**

Neutral citation: [2023] KEHC 26812 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E074 OF 2023
RE ABURILI, J
DECEMBER 18, 2023**

BETWEEN

ISAAC OIRA KIBAGENDI APPLICANT

AND

REPUBLIC RESPONDENT

*(Arising from the original conviction and sentence in Senior Principal
Magistrate Court Criminal Sexual Offences Case No. E055 of 2019 at Maseno)*

RULING

1. The Applicant is Titus Oira Kibagendi. He seeks vide his application dated 27th January 2023 but filed on 26th November 2023 orders for consideration of his sentence of ten (10) years imprisonment under Section 333(2) of the *Criminal Procedure Code*, on the period he spent in custody during the trial in Maseno SPM Sexual Offences Case No. E055 of 2019 wherein he was convicted of the offence of defilement contrary to Section 8(1) as read with Section 8(4) of the *Sexual Offences Act*.
2. He does not say whether he appealed and the outcome thereof.
3. He claims that he was arrested on 28th August 2019 and convicted on 22nd August 2022. He has not annexed any copies of proceedings and judgment.
4. I find this application not to be supported. It is hereby dismissed.
5. This file is closed.
6. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 18TH DAY OF DECEMBER, 2023

R. E. ABURILI



JUDGE

