



**Hongo v Republic (Miscellaneous Criminal Application E096 of 2021)
[2022] KEHC 14429 (KLR) (27 October 2022) (Ruling)**

Neutral citation: [2022] KEHC 14429 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E096 OF 2021
RE ABURILI, J
OCTOBER 27, 2022**

BETWEEN

PAUL OKOTH HONGO APPLICANT

AND

REPUBLIC RESPONDENT

(Application for Resentencing in Maseno SPM Criminal Case No. 50823 of 2016)

RULING

1. The applicant Paul Okoth Hongo was sentenced to serve 10 years imprisonment upon being convicted on 16/12/2019 for the offence of rape contrary to Section 3 (1) (a) (b) (3) of the [Sexual Offences Act](#), vide Maseno SPM Cr. 50823/2016.
2. He now, vide this application filed on 10/11/2021, seeks for consideration of Section 333 (2) of the [Criminal Procedure Code](#) for the period spent in custody to be taken into account. This matter has been in court for nearly 2 years now and despite F.A. Ochieng, J directing the applicant to file court proceedings from the trial court to aid this court in determining whether the convict herein was on bond during trial or not, the applicant has never filed those proceedings to date.
3. I find no substance in this application which is pending indeterminately. It is hereby dismissed.
4. The applicant can file another application if he gets proceedings and files them in a fresh application.
5. I so order.
6. File closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 27TH DAY OF OCTOBER, 2022

R.E. ABURILI



JUDGE

