



**Otieno v Republic (Miscellaneous Criminal Application E063 of 2021)  
[2022] KEHC 14583 (KLR) (27 October 2022) (Ruling)**

Neutral citation: [2022] KEHC 14583 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CRIMINAL APPLICATION E063 OF 2021  
RE ABURILI, J  
OCTOBER 27, 2022**

**BETWEEN**

**BENARD OLUOCH OTIENO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

(Application for Resentencing)

1. The Applicant herein Benard Oluoch Otieno filed this application on 1/7/2021. The efforts by the court to trace him in the prison where the application originated from have not borne fruit, as per the submission by Ms. Odumba Senior Principal Prosecution Counsel on 22/6/2022.
2. For the above reasons, it is not appropriate to keep this file open infinitum.
3. The application for resentencing filed on 1/7/2021 is hereby dismissed for want of prosecution as the applicant cannot be traced
4. File is closed
5. I so order.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 27<sup>TH</sup> DAY OF OCTOBER, 2022**

**R.E. ABURILI**

**JUDGE**

