



**Otieno v Republic (Miscellaneous Criminal Application E098 of 2021)
[2022] KEHC 14427 (KLR) (27 October 2022) (Ruling)**

Neutral citation: [2022] KEHC 14427 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E098 OF 2021
RE ABURILI, J
OCTOBER 27, 2022**

BETWEEN

ANJELA COLLINS OTIENO APPLICANT

AND

REPUBLIC RESPONDENT

(Application for consideration of section 333(2) of the Criminal Procedure Code against conviction and sentence in Kisumu CM Criminal Case No. 752 of 2012)

RULING

1. The applicant is Anjela Collins Otieno. He filed this application on November 10, 2022 seeking for consideration of section 333(2) of the *Criminal Procedure Code*. He was convicted and sentenced to serve 5 years imprisonment *vide* Maseno SPM's court Criminal Case No 231 of 2019 with the offence of handling stolen goods contrary to section 322(1) (2) of the *Penal Code*. For close to 2 years now, he has never supplied this court with proceedings from the trial court for the court to consider whether he was on bond or in custody pending his trial. The court (FA Ocheng J) did give him the opportunity from February 17, 2022, April 26, 2022 but to date, he has never complied with directions of the court to avail the proceedings. On each occasion he was granted 30 days to comply and also file his submissions.
2. For want of compliance with this court's directions and for want of merit of the application herein, I hereby dismiss it.
3. File closed.
4. I so order.

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

R.E. ABURILI



JUDGE

