



**Owino v Republic (Miscellaneous Criminal Application E097 of 2021)
[2022] KEHC 14581 (KLR) (27 October 2022) (Ruling)**

Neutral citation: [2022] KEHC 14581 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E097 OF 2021
RE ABURILI, J
OCTOBER 27, 2022**

BETWEEN

PIUS ODUOR OWINO APPLICANT

AND

REPUBLIC RESPONDENT

*(Application for sentence review in Maseno SRM Cr. Case No.
1442/2014 and in Kisumu Criminal Appeal No. 82 of 2015)*

RULING

1. The Applicant Pius Oduor Owino filed this application on November 10, 2021 seeking for consideration of 2 years and 4 months spent in custody during trial in Maseno SRM Cr. Case No. 1442/2014 where he was sentenced to serve ten (10) years imprisonment for Manslaughter.
2. This matter was before Hon. F.A. Ochieng J on several occasions where he directed the applicant to file copies of proceedings from the lower court as it is also clear from his applications that he appealed via Kisumu HCRA No. 82/2015.
3. To date, no such proceedings have been filed for this court to consider the merits of the application and whether he was on bond during the trial in the lower court. This court cannot keep this file open open-endedly. I find the applicant is not interested in prosecuting this matter. The application filed in court on November 10, 2021 is hereby dismissed for non-compliance with court orders and for want of substance.
4. I so order.
5. File closed.

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



R.E. ABURILI
JUDGE

