



**Owuor v Republic (Miscellaneous Criminal Application E034 of 2021)
[2022] KEHC 14438 (KLR) (27 October 2022) (Judgment)**

Neutral citation: [2022] KEHC 14438 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E034 OF 2021
RE ABURILI, J
OCTOBER 27, 2022**

BETWEEN

AGGREY ONYANGO OWUOR APPLICANT

AND

REPUBLIC RESPONDENT

JUDGMENT

1. The matter was filed in court on 22/3/2021 and when it came up before F.A. Ochieng, J (as he then was), he ordered for proceedings of the trial court where the applicant claims he was tried, convicted and sentenced pursuant to Section 11(1) of the *Sexual Offences Act* for the offence of committing an indecent act with a child and sentenced to serve 10 years imprisonment.
2. The learned Judge directed the applicant to file proceedings from that trial court because the applicant had invoked Section 333 (2) of the *Criminal Procedure Code*.
3. This file shows that it has been the same story on each day that the matter has come up before F.A. Ochieng J with nothing forthcoming. This court cannot keep proceedings active forever and beg the applicant to supply the court with proceedings of the trial court for it to consider his application.
4. In the absence of the trial court proceedings, I find no reason to sustain this file as it appears the applicant has filed other applications similar to this and for this court to keep this file alive infinitum is to merely add backlog.
5. The application is therefore dismissed for want of material and substance.
6. This file is closed.
7. I so order.

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



R.E. ABURILI
JUDGE

