



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
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**Obura v Republic (Miscellaneous Criminal Application E189 of 2022)  
[2022] KEHC 17019 (KLR) (18 November 2022) (Ruling)**

Neutral citation: [2022] KEHC 17019 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
MISCELLANEOUS CRIMINAL APPLICATION E189 OF 2022  
RE ABURILI, J  
NOVEMBER 18, 2022**

**BETWEEN**

**BRIAN ODUOR OBURA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant claims that he was convicted and sentenced to serve 15 years imprisonment for the offence of rape contrary to section 10 of the *Sexual Offences Act*. He wants this court to review his sentence to take into account the period spent in custody. However, despite filing the application in April 2022 in Kisumu High Court as transferred to this court vide an order issued on 25/10/2022 by Hon Lady Justice Jackline Kamau, he never filed copies of proceedings and judgments from the lower court for this court to establish the truth or the exact period spent in custody, if at all the convict was not on bond during the trial.
2. I find this application not supported. It is hereby dismissed. File closed.

**Dated, signed and Delivered at Siaya this 18<sup>th</sup> Day of November, 2022**

**R.E. ABURILI**

**JUDGE**

