



**Otieno v Republic (Miscellaneous Criminal Application
E066 of 2024) [2024] KEHC 4996 (KLR) (9 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 4996 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E066 OF 2024**

RE ABURILI, J

MAY 9, 2024

BETWEEN

ALPHONCE OCHIENG OTIENO APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in the Chief
Magistrate’s Court Criminal Case No. E121 of 2023 at Kisumu)*

RULING

1. The Applicant Alphonce Ochieng Otieno vide his application dated 6th May 2024 seeks that his sentence be ordered to run concurrently, for the offence of burglary and stealing, where he was sentenced to serve four (4) years imprisonment on each limb, under Section 304(b) and 278 of the [Penal Code](#) respectively.
2. Regrettably, the Applicant/Convict did not annex any proceedings or warrant of commitment to imprisonment in Kisumu SPM Criminal Case No. E121 of 2023.
3. I find the application not supported. It is dismissed.
4. The Applicant can file a fresh application which is supported by relevant documents for reconsideration.
5. Signal to issue. File closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 9TH DAY OF MAY, 2024

R. E. ABURILI

JUDGE

