



**Obala v Republic (Criminal Revision E099 of 2024)  
[2024] KEHC 6437 (KLR) (3 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 6437 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CRIMINAL REVISION E099 OF 2024**

**RE ABURILI, J**

**JUNE 3, 2024**

**BETWEEN**

**JOSEPH AGUTU OBALA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. In the document headed ‘sworn supporting affidavit’ which is not sworn or commissioned, the author is Joseph Agutu Obala. He claims that he is a convict who was sentenced to serve 75 years imprisonment vide Kisumu CM Sexual Offences Case No. 18 of 2016 for the offence of defilement contrary to Section 8(1) as read with Section 8(2) of the *Sexual Offences Act*.
2. That he appealed vide HCCRA No. 116 of 2018 at Kisumu, and sentence was reduced to 20 years imprisonment but that the court never considered the period spent in custody.
3. That he has not appealed to the Court of Appeal.
4. I have considered that statement as it is not an affidavit and there is no accompanying application.
5. In addition, there are no proceedings supporting the allegations that he was in custody and that the period was not considered.
6. I find the ‘application’ to be fatally incompetent. It is dismissed.
7. This file is closed.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 3<sup>RD</sup> DAY OF JUNE, 2024.**

**R. E. ABURILI**

**JUDGE**

