



**Opany v Republic (Miscellaneous Criminal Application
E094 of 2022) [2023] KEHC 3159 (KLR) (12 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3159 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E094 OF 2022**

RE ABURILI, J

APRIL 12, 2023

BETWEEN

VINCENT ONYANGO OPANY APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant Vincent Onyango Opany was convicted and sentenced to serve 3 months' imprisonment as per the committal warrant dated November 13, 2019 *vide* Winam Senior Resident Magistrate Criminal Case No 712 of 2018 for the offence of malicious damage to property contrary to Section 339(1) as read with sub Section 3(b) of the [Penal Code](#).
2. He now seeks *vide* his application filed on September 21, 2022, that this court takes into account the period he spent in prison custody during trial.
3. I have perused this file and in my view, unless the applicant is serving another prison term sentence which he has not disclosed, I find no merit in the application filed on September 21, 2022 which is hereby dismissed and the applicant, if still in prison, to be notified.
4. This file is hereby closed. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 12TH DAY OF APRIL, 2023

R. E. ABURILI

JUDGE

