



**Kanya v Republic (Miscellaneous Criminal Application
E111 of 2022) [2023] KEHC 19002 (KLR) (19 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19002 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E111 OF 2022**

RE ABURILI, J

JUNE 19, 2023

BETWEEN

EVANS KANYA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This file was opened on October 12, 2022 by the Convict/Applicant Evans Kanya who never supplied the court with the applicable documents.
2. The matter was entered in the CTS and has remained open until it was discovered as active during the case census.
3. On June 8, 2023, the Applicant/Convict herein filed an application for consideration of his ten (10) years imprisonment taking into account the period spent in custody, as stipulated in Section 333(2) of the *Criminal Procedure Code*. I have just considered that application and dismissed it on account that no court proceedings were annexed to demonstrate the period spent in custody.
4. As this file was opened without any documents annexed and as it is a duplicate of the matter in HCCR Misc Application No E031 of 2023, I hereby strike out this application and close it having given direction in the other matter.
5. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 19TH DAY OF JUNE, 2023

R. E. ABURILI

JUDGE

