



**Muruka v Republic (Miscellaneous Criminal Application 122 of 2023)  
[2024] KEHC 14331 (KLR) (8 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14331 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
MISCELLANEOUS CRIMINAL APPLICATION 122 OF 2023  
RE ABURILI, J  
NOVEMBER 8, 2024**

**BETWEEN**

**WILSON OGWAN'G MURUKA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant Wilson Ogwang Muruka was convicted of the offence of murder contrary to Section 204 of the *Penal Code*. he was sentenced to serve 20 years imprisonment on 29/6/2027 following a full trial in Siaya HCCR Case No 2/2016. The court also ordered that the sentence was to be calculated from the date of arrest in December 2015 which was 1 year and 5 months.
2. The convict returned to this court vide Misc. Cr. Application No 143/2023 seeking for revision of his sentence to take into account the period he spent in remand custody and this court on 29/4/2024 dismissed that application for lacking any basis or merit.
3. The convict is back to court seeking that the period spent in custody be taken into account.
4. In my view, the convict is abusing court process as the orders he is seeking were granted in the trial proceedings and in Misc. Cr. Application No 143/2023.
5. Accordingly, the application dated 3/7/2023 filed on 4/8/2023 is found to be bad in law for duplicity, abuse of court process and devoid of any basis. It is hereby dismissed.
6. Signal to issue. This file is closed.
7. I so order.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 8<sup>TH</sup> DAY OF NOVEMBER, 2024**

**R. E. ABURILI**



**JUDGE**

