



REPUBLIC OF KENYA



**Owuor v Republic (Miscellaneous Criminal Application E217 of 2024)  
[2024] KEHC 13864 (KLR) (7 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 13864 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CRIMINAL APPLICATION E217 OF 2024  
RE ABURILI, J  
NOVEMBER 7, 2024**

**BETWEEN**

**BRIAN OCHIENG OWUOR ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original conviction and sentence in Tamu Senior Principal  
Magistrate's Court Criminal Sexual Offences Case No. 49 of 2018)*

**RULING**

1. The applicant Brian Ochieng Owuor in his application dated 22<sup>nd</sup> October 2024 prays that his 10 years' imprisonment be calculated taking into account 11 months spent in custody.
2. He was convicted of the offence of defilement contrary to Section 8(1) (4) of the *Sexual Offence Act* on 19<sup>th</sup> September 2019 by Tamu SPM's Court. He has not annexed any proceedings to inform this court whether he was on bond pending trial or not.
3. I find the application dated 22<sup>nd</sup> October 2024 is not supported. It is hereby dismissed.
4. Signal to issue.
5. File is closed.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 7<sup>TH</sup> DAY OF NOVEMBER, 2024**

**R. E. ABURILI**

**JUDGE**

