



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KISII**

**CRIMINAL CONSTITUTION PETITION NO.14 OF 2020**

**VALENCE MOMANYI OGARO.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**RULING**

1. The Petitioner in this matter has filed yet another petition in court Pet.14/2020. Previous he has filed Constitution Petition No.54 of 2019 in the said Petition.
2. Justice Majanja delivered a judgment dismissing his plea in the Petition No.54 of 2019. Justice Majanja noted that he had been convicted in Kilgoris Magistrate's Court Case No.170/2008 and that he had filed appeals in Kisii and the Court of Appeal both were dismissed. His petition was dismissed.
3. He is here again with another plea that he has brought the matter in the public interest.
4. He has not demonstrated how public interest applies to this petition. The issues raised by him were dealt with by the High Court and the Court of Appeal in his previous appeals.
5. None of his rights have been infringed as claimed as his 2 appeals were heard and determined on facts and law.
6. His plea to reopen the lower court case is declined for had an injustice been done the High Court and Court of Appeal would have noted. This petition is therefore dismissed.

**DATED, SIGNED AND DELIVERED AT KISII ON THIS 10<sup>TH</sup> DAY OF MARCH 2021**

**R.E. OUGO**

**JUDGE**

**In the presence of;**

**Petitioner In person-present**

**Mr. Otieno Senior State Counsel Office of the DPP**

**Ms Rael Court Assistant**