



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT SIAYA**

**MISC. CRIMINAL APPLICATION NO. E114 OF 2021**

**CORAM: R.E. ABURILI, J**

**KENNEDY OTIENO MIEN.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

*(An Application arising from conviction and sentence of the High Court at Siaya in Cr. Case No. 29 of 2015)*

**RULING**

1. This matter I related to *Misc. Criminal Application No. E115/2021* as they both originate from the *HCR 29/2015*.
2. I observe that unlike the applicant in *Misc. Criminal Application E115/2021*, this applicant was released on bail pending trial on 19/12/2014 and one William Okothe Omito was his surety whose security was discharged and released vide order of 11/7/2018.
3. Therefore the applicant herein is playing mischief to unjustly benefit from the provisions of ***Section 333(2) of the Criminal Procedure Code***.
4. For the above reasons, I find this application mischievous and abuse of court process. It is hereby dismissed. File closed.
5. Orders accordingly.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 16TH DAY OF NOVEMBER, 2021**

**R.E. ABURILI**

**JUDGE**