



**Oriaro v Republic (Miscellaneous Criminal Application E025 of 2024)  
[2025] KEHC 15266 (KLR) (17 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 15266 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BUSIA  
MISCELLANEOUS CRIMINAL APPLICATION E025 OF 2024**

**WM MUSYOKA, J  
OCTOBER 17, 2025**

**BETWEEN**

**MOSES ODUOR ORIARO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant herein had been convicted, in Busia HCCRC No. E004 of 2021, of murder, contrary to section 203, as read with section 204, of the Penal Code, Cap 63, Laws of Kenya. He was sentenced to serve 15 years in prison.
2. I do not quite understand why this file has been placed before me, for all I see is that the applicant filed a notice of appeal, to challenge his conviction and sentence in Busia HCCRC No. E004 of 2021. I see a document headed “Ruling,” which appears to suggest that he seeks bond pending appeal at the Court of Appeal.
3. I do not have a proper application before me, for admission of the applicant for bond pending appeal. Secondly, even if such an application was before me, I would not consider it, for there is no evidence that the applicant has filed an appeal at the Court of Appeal. In other words, there is no evidence of a pending appeal at the Court of Appeal.
4. Thirdly, even if there was a pending appeal at the Court of Appeal, the High Court would not be the proper court to consider admitting the applicant to bond, with relation to an appeal pending at the Court of Appeal. Such application can only be filed at, and considered by, the Court of Appeal.
5. I have said enough to demonstrate that there is nothing for me to determine herein, to merit this matter being cleared for mention in open court for directions. As there is nothing to be determined, the only option available would be to order closure of this file, which I do hereby order.



6. The Deputy Registrar shall cause a certified copy of this ruling to be made available to the applicant, for information, through the officer commanding the prison where he is serving sentence. Orders accordingly.

**DELIVERED, VIA EMAIL, DATED AND SIGNED IN CHAMBERS, AT BUSIA, ON THIS 17<sup>TH</sup> DAY OF OCTOBER 2025.**

**W MUSYOKA**

**JUDGE**

Mr. Arthur Etyang, Court Assistant.

Mr. Moses Oduor Oriaro, the applicant, in person.

Advocates

Mr. Tony Onanda, instructed by the Director of Public Prosecutions, for the respondent.

