



Oganga v Republic (Miscellaneous Criminal Application E088 of 2023) [2024] KEHC 506 (KLR) (26 January 2024) (Ruling)

Neutral citation: [2024] KEHC 506 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E088 OF 2023**

**RE ABURILI, J
JANUARY 26, 2024**

BETWEEN

VITALIS MIGOT OGANGA APPLICANT

AND

REPUBLIC RESPONDENT

(Arising from the original conviction and sentence in Senior Principal Magistrate Criminal Sexual Offences Case No. E017 of 2021 at Winam)

RULING

1. The Applicant Vitalis Migot Oganga is a convict in Winam SPM Sexual Offences Case No. E017 of 2021 for the offence of defilement.
2. He claims that in sentencing him, the trial court did not consider her 2 years and 9 months he spent in custody.
3. However, no court proceedings and judgment are annexed to inform this court on whether the allegations are true.
4. I decline the application and dismiss it for want of supporting material.
5. The applicant can file a fresh application with supporting evidence.
6. Signal to issue to Kibos Medium Prison. File closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 26TH DAY OF JANUARY, 2024

R. E. ABURILI

JUDGE

