



**Otieno v Republic (Miscellaneous Criminal Application
E089 of 2023) [2024] KEHC 553 (KLR) (26 January 2024) (Ruling)**

Neutral citation: [2024] KEHC 553 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E089 OF 2023
RE ABURILI, J
JANUARY 26, 2024**

BETWEEN

CHARLES ODHIAMBO OTIENO APPLICANT

AND

REPUBLIC RESPONDENT

*(Arising from the original conviction and sentence in Senior
Principal Magistrate Criminal Case No. 603 of 2021 at Tamu)*

RULING

1. The Applicant Convict is Charles Odhiambo Otieno. He applies that this court do consider the period he spent in custody prior to sentencing him to serve three (3) years imprisonment for the offence of Breaking into a building and stealing, vide Tamu SPM Criminal Case No. 603 OF 2021.
2. However, he has not annexed any court proceedings to support the allegations that he was in prison custody for one (1) year prior to the sentencing.
3. Accordingly, I find the application devoid of any supporting documents for consideration on merit. It is hereby dismissed.
4. The Applicant can file a fresh application, annexing court proceedings for this court to appreciate whether he was released on bond or not, during the trial.
5. Signal to issue. File closed.

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

R. E. ABURILI

JUDGE

