



**Api v Republic (Miscellaneous Criminal Application  
E037 of 2024) [2024] KEHC 8016 (KLR) (28 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 8016 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CRIMINAL APPLICATION E037 OF 2024**

**RE ABURILI, J  
JUNE 28, 2024**

**BETWEEN**

**FANUEL OGOGO API ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original conviction and sentence in the Senior Principal  
Magistrate's Court Criminal Sexual Offences Case No. 200 of 2016 at Nyando)*

**RULING**

1. The Applicant Fanuel Ogo Api is a convict in Nyando SPM Sexual Offences Case No. 200 of 2026 wherein he was sentenced to serve 10 years imprisonment on 19<sup>th</sup> June 2020 for the offence of rape.
2. From the trial court record availed, he absconded court when he was released on bond. He appealed *vide* HCRCA No. E093 of 2021 and he claims that the High Court only deducted 14 days from his sentence.
3. The 14 days are the ones he spent in custody after arrest and before being released on bond. Having been released on bond, when he absconded, in breach of the bond terms, he cannot blame the court.
4. He now seeks orders that he be released to serve the remaining 2 years out of prison.
5. There is no basis laid, upon which this court should release the Convict/Applicant herein to serve 2 years out of prison.
6. The application is dismissed.
7. Signal to issue.
8. This file is closed.



**DATED, SIGNED AND DELIVERED AT KISUMU THIS 28<sup>TH</sup> DAY OF JUNE, 2024.**

**R. E. ABURILI**

**JUDGE**

