



REPUBLIC OF KENYA



KENYA LAW
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**Oguji v Republic (Criminal Application E118 of 2024)
[2024] KEHC 10165 (KLR) (15 August 2024) (Ruling)**

Neutral citation: [2024] KEHC 10165 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL APPLICATION E118 OF 2024
RE ABURILI, J
AUGUST 15, 2024**

BETWEEN

ROLEX OTIENO OGUJI APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in Nyando SO
Case No. 52 of 2017 on 13/10/2022 by Hon. J. Wekesa, PM)*

RULING

1. The applicant is a convict of the offence of defilement under section 8(3) of the *Sexual Offences Act*. He was sentenced to serve twenty years in prison.
2. He now seeks leave of this court to appeal out of time.
3. There no single reason given in his application for the delay in filing the appeal. I find the application an afterthought as the delay is inordinate and without any explanation, time having lapsed, of nearly two years and in such instances, this court has established that the trial court files vanish upon which the convicts seek to appeal after their close associates causing the disappearance of such old original trial court records, noting that there is no evidence that proceedings were ever applied for and that the same were never supplied for all the period since conviction.
4. I find no merit in the application dated 7/6/2024 and the same is hereby dismissed.
5. Signal to issue.
6. This file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 15TH DAY OF AUGUST, 2024

R.E. ABURILI



JUDGE

