



**Ombok v Republic (Criminal Application E137 of 2024)
[2024] KEHC 10164 (KLR) (15 August 2024) (Ruling)**

Neutral citation: [2024] KEHC 10164 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL APPLICATION E137 OF 2024
RE ABURILI, J
AUGUST 15, 2024**

BETWEEN

LAWRENCE OWUOR OMBOK APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in Winam
SPM SO Case No. E051 of 2022 on 11/11/2022)*

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. The applicant claims that his relatives promised to engage him a lawyer but have let him down. Even if that were to be the case, nearly two years in prison where free services are offered for lodging appeals free of charge before this court is inordinate delay.
4. This court has established that some convicts delay filing appeals until the original court files vanish with the influence of their associates then they approach this court for leave to appeal out of time such that by the time the court calls for the original court file, it is not available.
5. There is no evidence that the applicant even applied for supply of court proceedings for the nearly two years that he has been imprisoned.
6. I find the reason for the delay not satisfactory. I further find the application an afterthought.
7. The application dated 2/7/2024 is declined and the same is hereby dismissed.



8. Signal to issue.

9. This file is closed.

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

R.E. ABURILI

JUDGE

