



REPUBLIC OF KENYA



**Onyango v Republic (Criminal Application E092 of 2024)
[2024] KEHC 10070 (KLR) (12 August 2024) (Ruling)**

Neutral citation: [2024] KEHC 10070 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL APPLICATION E092 OF 2024
RE ABURILI, J
AUGUST 12, 2024**

BETWEEN

STEPHEN ODHIAMBO ONYANGO APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in Winam SPM Criminal
Case No. E434 of 2022 by Hon. R.M. Oanda, SPM on 24/4/2023)*

RULING

1. The applicant is a convict in Winam SPM Cr Case no E434 of 2022. He was convicted of the offence of Robbery with violence contrary to section 295 as read with section 296(2) of the *Penal Code* and sentenced to serve twenty years imprisonment on 24th April, 2023.
2. The convict now applies for leave to appeal out of time saying he had filed his appeal but that submissions were filed out of time. He does not indicate in which appeal and what happened to that appeal. In addition, if it is a question of the appeal lapsing or being dismissed for non-compliance with directions of the court, only an application for review of that order can be considered by the court.
3. The application herein filed on 14/6/2024 is found to be devoid of merit and the same is hereby dismissed.
4. Signal to issue.
5. This file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 12TH DAY OF AUGUST, 2024

R. E. ABURILI

JUDGE

