



**Omullo v Republic (Miscellaneous Criminal Application E096 of 2023)  
[2024] KEHC 11844 (KLR) (27 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 11844 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
MISCELLANEOUS CRIMINAL APPLICATION E096 OF 2023  
RE ABURILI, J  
SEPTEMBER 27, 2024**

**BETWEEN**

**LEONARD OTIENO OMULLO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Being an Application for review of Conviction and Sentence in Bondo M's Court  
vide S.O. No. 54 of 2020 delivered by Hon. S.W. Mathenge, RM on 3/8/2021)*

**RULING**

1. The Applicant was convicted of the offence of defilement contrary to Section 8 (2) of the [Sexual Offences Act](#) vide Bondo SPM S.O 54/2020. He was sentenced to serve life imprisonment.
2. He appealed vide Siaya HCCRA No. E019/2021 which appeal was heard on merit and dismissed vide judgement rendered on 24/1/2022. The court upheld both conviction and sentence. The child complainant was aged 10 years old.
3. He now applies for leave to appeal out of time. He however does not disclose that vide Misc. Criminal Application No. E012/2023, the court dismissed his application for leave to appeal as a pauper and directed that as he had already filed a valid notice of Appeal on record, he should pay for the preparation and compilation of a record of appeal.
4. Instead, he has filed a similar application as one that was dismissed vide ruling dated 20/2/2023. Previously, he had another application vide Misc. Cr. Application E018/2022 which was cited in Misc. Cr. Application E012/2023. That applications were dismissed.
5. I find this 3<sup>rd</sup> application filed on October 25, 2023 to be abuse of court process.
6. It is hereby dismissed.



7. This file is closed.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 27<sup>TH</sup> DAY OF SEPTEMBER, 2024.**

**R. E. ABURILI**

**JUDGE**

