



**Arunga v Republic (Miscellaneous Criminal Application E163 of 2024)
[2024] KEHC 11549 (KLR) (26 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 11549 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E163 OF 2024
RE ABURILI, J
SEPTEMBER 26, 2024**

BETWEEN

BONFACE ANDAI ARUNGA APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in Tamu Senior Principal
Magistrate's Court Criminal Sexual Offences Case No. E013 of 2021)*

RULING

1. The Convict Bonface Andai Arunga applies for leave to appeal out of time from Tamu SPM Criminal Case No. E013 of 2021 where he was sentenced to serve twenty (20) years imprisonment for the offence of defilement contrary to Section 8(1) as read with Section 8(3) of the [Sexual Offences Act](#), on 30th November 2021.
2. I find the application to be an afterthought as nearly 3 years are elapsing since his sentencing and no explanation is given for the inordinate delay and his right of appeal was explained.
3. The application dated July 18, 2024 is found to be devoid of merit and is dismissed
4. This file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 26TH DAY OF SEPTEMBER, 2024

R. E. ABURILI

JUDGE

