



**Awiti v Republic (Miscellaneous Criminal Application E169 of 2024)
[2024] KEHC 11609 (KLR) (26 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 11609 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E169 OF 2024
RE ABURILI, J
SEPTEMBER 26, 2024**

BETWEEN

DANIEL OTIENO AWITI APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in Maseno Senior Principal
Magistrate's Court Criminal Sexual Offences Case No. E074 of 2021)*

RULING

1. The Convict/Applicant is Daniel Otieno Awiti. He was sentenced vide Maseno SPM Sexual Offences Case No. E074 of 2021 on 5th January 2024 with the offence of defilement contrary to Section 8(1) as read with Section 8(3) of the *Sexual Offences Act* to serve fifteen (15) years imprisonment.
2. He now seeks leave to appeal out of time. There is no acceptable reason given for the inordinate delay in filing the appeal.
3. The idea of lack of money is neither here nor there as non-represented convicts always file appeals before this court without any court fees, being paid, through prisons authorities.
4. I find the application dated 11th June 2024 to be an afterthought. It is hereby dismissed and this file is closed.

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

R. E. ABURILI

JUDGE

