



**Obote v Republic (Miscellaneous Criminal Application E202 of 2024)  
[2024] KEHC 11204 (KLR) (25 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 11204 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CRIMINAL APPLICATION E202 OF 2024  
RE ABURILI, J  
SEPTEMBER 25, 2024**

**BETWEEN**

**CHARLES OBOTE ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original conviction and sentence in Nyando Senior  
Principal Magistrate's Court Criminal Case No. E101 of 2023)*

**RULING**

1. The Convict Charles Obote was convicted of the offence of attempted murder *vide* Nyando SPMCRC no E101 of 2023 on 11<sup>th</sup> March 2024 and sentenced to serve 3<sup>1</sup>/<sub>2</sub> years in prison.
2. He seeks leave to appeal out of time on the ground that he has reconciled with the complainant who is his daughter.
3. I have perused the annexed court proceedings from the lower court. I observe that the Applicant frantically through an advocate, sought to have the prosecution terminated on the same ground.
4. I have considered the injuries sustained by the complainant which were so severe following deep cuts on the neck, limbs and many parts of the body, reminiscent of a cow which was being butchered and which amounted to grievous harm. The complainant was deformed as a result of the severe injuries.
5. The convict claims that he was also ill and unable to appeal in time yet he had all the time to fight the battle of trying to stop his prosecution on account of cultural norms that do not allow a child to testify his father. Further, that the complainant was not a child but an adult. That may be so, that the complainant was an adult but does that give the applicant convict and father the licence to butcher his own child and disfigure and dismember her? The convict was ruthless to his own daughter and there is no evidence of provocation.



6. In my view, there is no ground of appeal that is disclosed by the convict who was given very lenient sentence considering the gravity of the offence which he denied and was dragging the name of the Area Chief who rescued the complainant and took the complainant to the police station.
7. I find the intended appeal to be an afterthought and a waste of judicial time.
8. I decline to grant the prayers sought and dismiss the application.
9. This file is closed.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 25<sup>TH</sup> DAY OF SEPTEMBER, 2024**

**R. E. ABURILI**

**JUDGE**

