



**Odoku v Republic (Criminal Appeal E047 of 2023)
[2023] KEHC 24403 (KLR) (26 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 24403 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL APPEAL E047 OF 2023
RE ABURILI, J
OCTOBER 26, 2023**

BETWEEN

DENNIS OMONDI ODOKU APPELLANT

AND

REPUBLIC RESPONDENT

*(Appeal from the original conviction and sentence in Senior Principal
Magistrate's Court Criminal Case No. 16 of 2018 at Winam)*

RULING

1. This appeal is similar in all respects to HCCRA No. E049 of 2023 which was filed on 12th September 2023.
2. The Appellant Dennis Omondi Odoku is the same and the offence which he was convicted and sentenced to serve twenty (20) years imprisonment on 12th October 2020 is the same, being defilement contrary to Section 8(1), (3) of the *Sexual Offences Act* vide Winam SPM Sexual Offences Case No. 16 of 2018.
3. There is no evidence that leave was obtained to file this appeal out of time three years after the conviction and sentence.
4. Accordingly, I find this appeal to be fatally incompetent. It is hereby dismissed.
5. This file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 26TH DAY OF OCTOBER, 2023

R. E. ABURILI

JUDGE

