



REPUBLIC OF KENYA



**Odoku v Republic (Criminal Appeal E049 of 2023)  
[2023] KEHC 24404 (KLR) (26 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 24404 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CRIMINAL APPEAL E049 OF 2023  
RE ABURILI, J  
OCTOBER 26, 2023**

**BETWEEN**

**DENNIS OMONDI ODOKU ..... APPELLANT**

**AND**

**REPUBLIC ..... RESPONDENT**

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

**RULING**

1. The Appellant herein Dennis Omondi Odoku is the convict in Winam SPM Sexual Offences Case No. 16 of 2018 wherein he was convicted and sentenced to serve twenty (20) years imprisonment on 12<sup>th</sup> October 2020 for defilement contrary to section 8(1) as read with Section 8(3) of the [Sexual Offences Act](#).
2. This appeal was filed on 12<sup>th</sup> September 2023 and there is no evidence that the Appellant obtained leave of court to file this appeal out of time.
3. In addition, the same Appellant and convict herein also filed a similar appeal vide HCCRA No. E047 of 2023 which was filed on 14<sup>th</sup> September 2023.
4. No reasons are given for the late filing, three (3) years after conviction and why two appeals.
5. In the premises, I find this appeal incompetent and is hereby dismissed.
6. This file is closed.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 26<sup>TH</sup> DAY OF OCTOBER, 2023**

**R. E. ABURILI**



**JUDGE**

