



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT SIAYA**

**MISC. CRIMINAL APPLICATION NO. E006 OF 2022**

**CORAM: HON. R.E. ABURILI, J**

**KEVIN OTIENO OGEJO.....1<sup>ST</sup> APPLICANT**

**KEVIN OTIENO ONJIKO.....2<sup>ND</sup> APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

***(Being an Application arising from conviction and***

***sentence of Siaya High Court in Criminal Case No. 7 of 2021)***

**RULING**

1. I have considered the application filed on 20/1/2022 seeking leave to file appeal out of time and as a pauper.
2. There is no evidence of pauperism and no explanation is given for the delay in filing the appeal upon being convicted and sentenced on 13/11/2021.
3. In addition, the 1<sup>st</sup> applicant herein Kevin Otieno Ogejo during the trial had engaged a paid advocate and therefore the question of pauperism does not arise.
4. Similarly, the question of his family abandoning him is far-fetched as he was all along during his trial surrounded by supportive family members who paid an advocate to represent him and he kept telling the court that his vehicle was being held by the police.
5. The 2<sup>nd</sup> Applicant Kelvin Otieno Ogejo too was represented by a pro bono advocate. There is no reason why he did not appeal in time. I find the joint application not merited. It is hereby dismissed.
6. File closed.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 27<sup>TH</sup> DAY OF JANUARY 2022**

**R.E. ABURILI**

**JUDGE**