



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

MISC. CRIMINAL APPLICATION NO. E005 OF 2022

CORAM: HON. R.E. ABURILI, J

JUSTIN OTIENO ADALA.....1<sup>ST</sup> APPLICANT

FREDRICK OMONDI ONYANGO.....2<sup>ND</sup> APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

**(Being an Application arising from conviction and sentence of the High Court at Siaya in Criminal Case No. 5 of 2020 in HCR Case No. 5 of 2020)**

RULING

1. On 16/11/2021, the applicants herein Justin Otiemo Adala and Fredrick Omondi Onyango were sentenced to serve 20 years imprisonment upon being convicted of the offence of Murder contrary to *Section 203 as read with Section 204 of the Penal Code*. The Right of appeal was explained.
2. The applicants seek leave to appeal and for waiver of court fees under *Rule 113 of the Court of Appeal Rules*.
3. I have considered the application. I find no reason given for the delay and there is no evidence of pauperism.
4. The application is found to be devoid of merit as it is not even supported by any sworn affidavit.
5. The application is hereby dismissed. File closed.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 16<sup>TH</sup> DAY OF FEBRUARY, 2022**

**R.E. ABURILI**

**JUDGE**