



REPUBLIC OF KENYA



**Akumu v Republic (Miscellaneous Criminal Application
E055 of 2022) [2022] KEHC 11395 (KLR) (27 May 2022) (Ruling)**

Neutral citation: [2022] KEHC 11395 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL APPLICATION E055 OF 2022**

RE ABURILI, J

MAY 27, 2022

BETWEEN

WALTER OTIENO AKUMU APPLICANT

AND

REPUBLIC RESPONDENT

*(Being an Application arising from the conviction and sentence in HCCRA No. 103/2015
and in the Principal Magistrate's Court at Bondo in Criminal Case No. 29 of 2015)*

RULING

1. This applicant was convicted and sentenced to serve life imprisonment vide Bondo PM Sexual Offence Case No. 29/2015, for the offence of defilement contrary to Section 8(1) as read with Section 8(3) of the *Sexual Offences Act*.
2. He appealed to this Court vide HCRA 103 of 2015 and vide a judgment delivered on 16th February 2017 by Hon. A.J. Makau J, the appeal against conviction and sentence was dismissed. Five years are over. He now wants leave to appeal out of time. I have considered the application which is unsupported by any sworn affidavit to explain the laches.
3. I find no ground upon which I can exercise discretion to enlarge time for filing of the appeal after 5 years lapse and with no acceptable reason for such an inordinate delay. I decline the application dated 13/5/2022 and dismiss it.
4. File is closed.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 27TH DAY OF MAY, 2022

R.E. ABURILI

JUDGE

