



**MOO v Republic (Miscellaneous Criminal Application  
E059 of 2022) [2022] KEHC 12362 (KLR) (25 May 2022) (Ruling)**

Neutral citation: [2022] KEHC 12362 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
MISCELLANEOUS CRIMINAL APPLICATION E059 OF 2022**

**RE ABURILI, J**

**MAY 25, 2022**

**BETWEEN**

**MOO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Being an Application arising from conviction and sentence of the Senior Resident Magistrate's Court at Siaya in Criminal Case No. 174 of 2014)*

**RULING**

1. The applicant herein was convicted of the offence of Incest contrary to section 20(1) of the [Sexual Offences Act](#) in Siaya PM Cr Case 174/2014.
2. He appealed to the High Court vide HCRA 2/2018 which appeal was dismissed by Hon A J Makau J on March 1, 2018. He then filed a revision of sentence application before the court vide Misc Cr Application No 61 of 2018 which this court heard and dismissed on September 18, 2018.
3. He is now back into court seeking leave to appeal against conviction and sentence in Siaya PM Cr C 174/2014. I find this application to be an abuse of court process. It is declined and dismissed.
4. File is closed.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 25<sup>TH</sup> DAY OF MAY, 2022**

**R.E. ABURILI**

**JUDGE**

