



**Abonyo v Republic (Miscellaneous Criminal Application
E065 of 2022) [2022] KEHC 12359 (KLR) (20 June 2022) (Ruling)**

Neutral citation: [2022] KEHC 12359 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL APPLICATION E065 OF 2022**

RE ABURILI, J

JUNE 20, 2022

BETWEEN

YUSUF ABDI ABONYO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. I have considered the application filed on 16/6/2022 by Yusuf Abdi Abonyo. The application seeks for leave of court to file an appeal out of time on sentence. He claims that he filed an earlier appeal but it cannot be traced.
2. I have perused the Notice of Motion and his allegation that he filed his appeal within time. There is no such record in this court of an appeal filed by the applicant. The sentence, according to the applicant, was passed on 22/5/2020 which is over two years now. The applicant is not honest with the court as all appeals filed by prisoners while in custody are received and processed by this court.
3. In addition, the applicant claims that he will only be seeking for sentence reduction. If the applicant was sentenced to serve 30 years imprisonment for the offence of defilement contrary to section 8(1) as read with section 8(2) of the *Sexual Offences Act*, the maximum mandatory sentence under the law is life imprisonment. Thirty (30) years imprisonment is not mandatory and neither is it unlawful.
4. I find this application to be mischievous and an afterthought. The delay is inordinate and is not explained to the satisfaction of this court.
5. The application filed on 16/6/2022 is found to be devoid of any merit and is hereby dismissed.
6. File closed.
7. I so order.



DATED, SIGNED AND DELIVERED AT SIAYA THIS 20TH DAY OF JUNE, 2022

R.E. ABURILI

JUDGE

