



**Otieno v Republic (Miscellaneous Criminal Application E100 of 2022)
[2022] KEHC 13157 (KLR) (23 September 2022) (Ruling)**

Neutral citation: [2022] KEHC 13157 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL APPLICATION E100 OF 2022
RE ABURILI, J
SEPTEMBER 23, 2022**

BETWEEN

PATRICK OWINO OTIENO APPLICANT

AND

REPUBLIC RESPONDENT

(Being an Application for leave to appeal out of time arising from Judgment, conviction and sentence in Siaya High Court in Siaya HCRCC No. 9 of 2019 on 24/11/2020)

RULING

1. The application by the applicant Patrick Owino Otieno filed on August 29, 2022, seeks for leave to appeal out of time. The judgment sought to be impugned was delivered on December 16, 2020 which is nearly two years ago. There is no reason given for the delay. I find this application an afterthought as no plausible reasons are given for the inordinate delay. In addition, the applicant has lied on oath that he was sentenced to death yet the judgment on record is clear that upon conviction for the offence of murder, he was sentenced to serve 30 years imprisonment.
2. The applicant is a dishonest person who does not deserve the discretion of this court. I find the application for leave to appeal out of time and to file notice of appeal out of time devoid of merit. It is hereby dismissed.
3. File closed.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 23RD DAY OF SEPTEMBER, 2022

R.E. ABURILI

JUDGE

