



**Lumumba v Republic (Miscellaneous Criminal Application
E012 of 2022) [2022] KEHC 14584 (KLR) (27 October 2022) (Ruling)**

Neutral citation: [2022] KEHC 14584 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E012 OF 2022**

**RE ABURILI, J
OCTOBER 27, 2022**

BETWEEN

SAMUEL MUDAVADI LUMUMBA APPLICANT

AND

REPUBLIC RESPONDENT

*((Application for leave of court to appeal against sentence
in Kisumu CM Sexual Offence case No. 1 of 2019))*

RULING

1. The applicant is Samuel Mudavadi Lumumba. He is a convict in Kisumu CM Sexual Offence case No 1/2019 for the offence of defilement contrary to section 8 (1) as read with section 8(3) of the [Sexual Offences Act](#).
2. He was sentenced to serve 20 years imprisonment on 25/6/2019. On 25/1/2022 he filed this application seeking for leave to appeal out of time saying he delayed to file an appeal because he had no advocate and his family is poor.
3. The delay in filing the appeal is inordinate. However, I exercise discretion and grant the applicant leave to file an appeal out of time, if no such appeal was filed, within 14 days of today in default, this leave granted shall lapse.
4. I so order.
5. This file is hereby closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 27TH DAY OF OCTOBER, 2022.

R.E. ABURILI

JUDGE

