



**Ng'ong'a v Republic (Miscellaneous Criminal Application  
E127 of 2022) [2022] KEHC 14411 (KLR) (26 October 2022) (Ruling)**

Neutral citation: [2022] KEHC 14411 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
MISCELLANEOUS CRIMINAL APPLICATION E127 OF 2022  
RE ABURILI, J  
OCTOBER 26, 2022**

**BETWEEN**

**GEORGE MUKOYA NG'ONG'A ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Application for leave to appeal in Siaya HCR No. E017 of 2021)*

**RULING**

1. On 4/5/2022, this court sentenced the applicant herein to serve 50 years imprisonment, following his conviction for the offence of Murder contrary to section 203 as read with section 204 of the *Penal Code*.
2. The applicant now seeks leave to appeal out of time, against sentence only, claiming that the sentence was harsh and excessive.
3. Before passing the sentence I received a Presentence Report on the applicant herein in HCR E017/2021. Punishment for murder, upon conviction, is death.
4. The applicant does not state why he has taken over 5 months to challenge sentence which was lawful and leniently exercised considering that an innocent life was lost. The delay is inordinate and not explained to the satisfaction of this court.
5. The application is an afterthought.
6. The sentence imposed was not only lawful but lenient. I am not persuaded that the convict herein George Mukoya Ng'ong'a deserves the leave sought.
7. The application filed on 28/9/2022 is hereby found to be devoid of merit.
8. It is hereby dismissed and this file is hereby closed.



9. I so order.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 26<sup>TH</sup> DAY OF OCTOBER, 2022**

**R.E. ABURILI**

**JUDGE**

