



**Oginjo v Republic (Miscellaneous Criminal Application E137 of 2022)
[2022] KEHC 14159 (KLR) (21 October 2022) (Ruling)**

Neutral citation: [2022] KEHC 14159 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL APPLICATION E137 OF 2022
RE ABURILI, J
OCTOBER 21, 2022**

BETWEEN

WILLIAM OMONDI OGINJO APPLICANT

AND

REPUBLIC RESPONDENT

(Being an Application for leave of Court to appeal against sentence in PM's Bondo Sexual Offence No. E066/2021 delivered by Hon. J.P. Nandi, Principal Magistrate on 8/2/2022)

RULING

1. In the application filed on 17/10/2022 by the applicant/convict herein William Omondi Oginjo, he seeks leave of court to appeal against sentence of 15 years imprisonment imposed on him on 8/2/2022 by the Hon. J.P. Nandi, Principal Magistrate in Bondo PM Sexual Offence case No. E066/2021.
2. The applicant was charged with the offence of defilement contrary to Section 8(1) as read with Section 8(3) of the *Sexual Offences Act*.
3. Under Section 8(3) of the *Sexual Offences Act*, upon conviction, the offender is liable to imprisonment of a term not less than 20 years. In the instant case, the convict was given 15 years. That being the case, I find that besides the inordinate unexplained delay in filing the appeal and this application for leave to file an appeal out of time, the intended appeal against sentence is sham as the sentence imposed is lawful and way below the Minimum mandatory. I find this application not merited. It is hereby dismissed.
4. File is closed.
5. I so order.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 21ST DAY OF OCTOBER, 2022

R.E. ABURILI



JUDGE

