



REPUBLIC OF KENYA



KENYA LAW
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**Opiyo v Republic (Miscellaneous Criminal Application E140 of 2022)
[2022] KEHC 15550 (KLR) (18 November 2022) (Ruling)**

Neutral citation: [2022] KEHC 15550 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL APPLICATION E140 OF 2022
RE ABURILI, J
NOVEMBER 18, 2022**

BETWEEN

SAMUEL ONDENG OPIYO APPLICANT

AND

REPUBLIC RESPONDENT

(Being an application for leave to Appeal in Siaya HCRA 39/2018)

RULING

1. On November 18, 2019, exactly 3 years ago, the applicant herein *vide* HCRA 39/2018 withdrew his appeal against conviction in a defilement case and the court delivered judgment against sentence finding that as the appellant was a recidivist sexual offender, he did not deserve any sentence reduction.
2. He is back into court seeking leave to appeal out of time from the judgment of the lower court. Even if it was an intended appeal from the judgment of this court, I find no reason for the procrastination as no affidavit is deposed on the inordinate delay. I find no merit in this application dated October 3, 2022 which is hereby dismissed. This file is closed. I so order.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 18TH DAY OF NOVEMBER, 2022

R.E. ABURILI

JUDGE

