



REPUBLIC OF KENYA



KENYA LAW
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**Ojwang v Republic (Criminal Appeal E031 of 2022)
[2022] KEHC 16870 (KLR) (19 December 2022) (Ruling)**

Neutral citation: [2022] KEHC 16870 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL APPEAL E031 OF 2022
RE ABURILI, J
DECEMBER 19, 2022**

BETWEEN

ISAACK ODHIAMBO OJWANG APPELLANT

AND

REPUBLIC RESPONDENT

*(An Appeal against the Judgment, conviction and sentence by
Hon. S.W. Mathenge, Senior Resident Magistrate on 23.9.2022 at
Bondo PM's Court in Cr. Sexual Offence Case No. E020 of 2021)*

RULING

1. This appeal is before me for admission to hearing. I note that judgment in the lower court was delivered on September 23, 2022 and sentence passed on October 14, 2022.
2. The appeal ought to have been filed within 14 days of October 14, 2022 which was October 28, 2022. Instead, the appeal was filed on October 31, 2022. The last day for filing of the appeal was not a public holiday or a weekend. This appeal was filed out of time without leave of court. It is hereby struck out as this court has no jurisdiction to entertain stale claims.
3. The appellant to be notified forthwith.
4. This file is closed.
5. I so order

DATED, SIGNED AND DELIVERED AT SIAYA THIS 19TH DAY OF DECEMBER, 2022

R.E. ABURILI

JUDGE

