

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

MISC. CRIMINAL APPLICATION NO. 11 OF 2020

JAMES ODONGO OWALA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application under Rule 113 of the Court of Appeal Rules for leave to appeal out of time from Original Criminal Case No. 234 of 2015 at Chief Magistrate's Court, Ukwala dated 10.11.2015 and High Court Cr. Appeal No. 79 of 2019 at Siaya)[no disclosure of the trial Magistrate and appellate Judge Appellate court record not traced]

RULING

1. On 10/11/2015, the Applicant/Convict **James Odongo Owala** was sentenced to serve 10 years imprisonment for the offence of attempted defilement contrary to Section 9)1)(2) of the Sexual Offences Act.
2. He is due for release on 23/7/2022. He now claims he seeks leave to appeal out of time over five years after sentence which he is due to complete.
3. I find no plausible acceptable explanation for the delay.
4. This application is an afterthought and is devoid of merit. The same is hereby dismissed for laches which is inordinate unreasonable delay.
5. File closed.
6. Orders accordingly.

Dated, signed and Delivered at Siaya this 22nd Day of July, 2020

R.E. ABURILI

JUDGE