



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT SIAYA**

**MISC. CRIMINAL APPLICATION NO. 12 OF 2020**

**JACKTON ODUOR OUMA.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

*(Being an Application for leave to appeal out of time under Section 349 of the Criminal Procedure Code from Original Criminal Case No. 337 of 2015 at Principal Magistrate's Court, Ukwala against judgment, conviction and sentence dated 14.02.2016)*

**RULING**

1. The Applicant/Convict **Jackton Oduor Ouma** was convicted and sentenced by SRM's Court, Ukwala on 14/2/2016 for the offence of defilement contrary to Section 8(1) as read with Section 8(2) of the Sexual Offences Act.
2. He never appealed against the judgment by Ukwala Magistrate's court.
3. He now seeks leave of court to appeal out of time and gives no plausible explanation for what could have prevented him from appealing within time for the last four and a half years. His application does not disclose which magistrate convicted and sentenced him.
4. Nonetheless, the applicant is guilty of inordinate and unreasonable unexplained delay in bringing this application.
5. The application is found to be an afterthought. The same is hereby dismissed and this file is closed.

**Dated, signed and Delivered at Siaya this 22<sup>nd</sup> Day of July, 2020**

**R.E. ABURILI**

**JUDGE**