



**REPUBLIC OF KENYA**

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

**MISC. CR. APPL. NO. 47 OF 2018**

**(CORAM: R. E. ABURILI - J.)**

**ANTHONY ACHACH MOHAMMED.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**RULING ON APPLICATION**

The Applicant/Convict, **Anthony Achach Mohammed** was convicted of the offence of defilement contrary to **Section 8(1) and (3) of the Sexual Offences Act No. 3 of 2006**. He was sentenced to 15 years imprisonment on 26<sup>th</sup> September 2016 by Hon. M. Obiero, PM of Bondo Law Courts. He appealed vide Siaya HCCRA 123/2016 and on 19<sup>th</sup> February 2018 Hon. Majanja J dismissed his appeal, upheld the conviction and sentence of the trial court.

On 3<sup>rd</sup> July 2018, he filed an application supported by an affidavit seeking for waiver of court fees and extension of time to file Notice of Appeal out of time and he also stated that he was poor for being imprisoned and that unless allowed to appeal, his constitutional rights will be violated and that his intended appeal has high chances of success.

I have considered the application.

I am not satisfied that there is sufficient cause for granting waiver of court fees and neither is there demonstration of any question of law for consideration by the Court of Appeal, the intended appeal being a second Appeal. Furthermore, there is inordinate delay in filing the application and no reasons are given.

I am not satisfied that the applicant herein deserves the discretion of this court under **Section 113 of the Court of Appeal Rules**.

I dismiss the application.

**Dated, Signed and Delivered at SIAYA this 31<sup>ST</sup> day of July 2018.**

**R.E. ABURILI**

**JUDGE**