

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

MISC. CR. APPL. NO. 32 OF 2018

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

BENJAMIN OCHIENG ISIONGO.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING ON APPLICATION

On 19th February 2018, Hon. Cherere J delivered a judgment in HCCRA 78/2016 dismissing the Appellant's appeal against conviction and sentence to the offence of defilement of a child.

The Applicant/Convict, now wishes to try his luck on a second appeal.

I have considered the application under Rule 113 of the Court of Appeal Rules. I am not satisfied that there is sufficient cause shown for the delay in filing Notice of Appeal.

Further, there is no evidence that the convict is poor by reason of his lawful incarceration.

The applicant has also not framed a single question of law for consideration by the Court of Appeal in the intended second Appeal.

I find that the application lacks merit. It is hereby dismissed. The convict to serve sentence meted out on him and as upheld by the High Court.

Dated, Signed and Delivered at SIAYA this 31st day of July 2018.

R.E. ABURILI

JUDGE