

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

MISC. CR. APPL. NO. 49 OF 2018

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

CHARLES OPONDO MAGERO.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING ON APPLICATION

The Applicant was initially charged before Ukwala PM's Court with the offence of defilement of a minor child aged 3 years on 21st June 2014 at unknown time in Ugunja Sub-County, within Siaya County by causing his penis to penetrate vagina of the said child S.A.

He pleaded not guilty and a trial ensued. He was found guilty of the offence of defilement by R.M. Oanda, RM and sentenced to the minimum life imprisonment as provided for in law. This was on 5th July 2016.

Being dissatisfied with the conviction and sentence, he appealed to this court vide HCCRA 126/2016 and in a judgment delivered on 19th February 2016 by Hon. T.W. Cherere J, the appeal was dismissed, the conviction affirmed and sentence upheld.

He has now filed Notice of Appeal on 3rd July 2018 and seeks extension of time for filing the same out of time. He also seeks for waiver of appeal fees and gives reasons as his incarceration and that the appeal as intended has chances of success.

I have considered the application, grounds and supporting affidavit. I do not find any sufficient ground or cause for the application under **Rule 113(2) and (5) of the Court of Appeal Rules, 2010.**

There is no single question of law proper for determination by the Court of Appeal that has been framed for the Court's consideration.

I dismiss the application.

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

R.E. ABURILI

JUDGE