

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

MISC. CR. APPL. NO. 46 OF 2018

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

EDWARD OKEMBA OKEMBA APPLICANT

VERSUS

REPUBLIC RESPONDENT

RULING ON APPLICATION

I have considered the application by the Applicant/Convict as presented the grounds and deposition in his sworn affidavit annexed. I am not satisfied that any sufficient cause has been shown for delay in filing Notice of Appeal from 2nd February 2018 when Hon. D.S. Majanja J delivered judgment on appeal upholding the conviction and sentence of the appellant for the offence of defilement of a child.

There is no evidence that the applicant is poor by virtue of his lawful incarceration.

There is no single question of law has been framed for consideration by the Court of Appeal in the intended second appeal.

Accordingly, the application is dismissed.

The Applicant to serve the lawful sentence.

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

R.E. ABURILI

JUDGE