

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

MISC. CR. APPL. NO. 45 OF 2018

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

KENNEDY OCHIENG AHUBA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING ON APPLICATION

I have considered the application under **Rule 113 of the Court of Appeal Rules** and the leave sought to appeal out of time as a poor person.

I find no sufficient cause for the delay and more so, there is no material placed before the Court to demonstrate that the Convict is poor by reason of his lawful imprisonment.

In addition, no point or question of law has been framed for consideration by the Court of Appeal to warrant leave to appeal out of time in the intended second appeal.

Accordingly, I find the application not merited.

I dismiss the application. The Convict to serve lawful sentence meted out and upheld by this Court.

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

R.E. ABURILI

JUDGE