



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT SIAYA**

**MISC. CR. APPL. NO. 27 OF 2018**

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

**OBADHA JOSEPH OTIENO.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**RULING ON APPLICATION**

I have considered the application under **Rule 113 of the Court of Appeal Rules** and the affidavit shown by the convict/applicant.

I am not satisfied that the application deserves the orders sought.

There is no sufficient cause for the delay in filing of the Appeal and more so, there is material to show that the applicant is a poor person by virtue of his lawful incarceration.

Further, no single question of law is framed for consideration by the Court of Appeal in this intended second Appeal.

The application is dismissed. The convict to serve lawful sentence meted out.

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

**R.E. ABURILI**

**JUDGE**