

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

MISC. CR. APPL. NO. 37 OF 2018

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

VICTOR OKOTH ADERA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING ON APPLICATION

I have considered the applicant's application under **Rule 113 of the Court of Appeal Rules** intending to challenge the judgment of D.S. Majanja J dated 2nd February 2018 on appeal.

I find no sufficient cause disclosed for the delay in filing Notice of Appeal.

There is also no evidence that the convict is poor by virtue of his imprisonment.

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

In the premise, I hereby dismiss the application. The Applicant/Convict to serve the lawful sentence imposed.

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

R.E. ABURILI

JUDGE