

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

SIAYA HC. MISC. CR. APP. NO. 65 OF 2018

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

JOSEPH OMBURE ORUNO.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

1. I have considered the application by the Applicant I convict under **Section 113 of the Court of Appeal Rules**.
2. The Appeal which was heard by Hon. J. A. Makau J. in HCRA 21/15 was dismissed on 26/11/2015. No appeal was preferred and it is now nearly three years after the judgment.
3. The Application is brought with inordinate delay. No sufficient reasons are advanced for the delay.
4. In addition, there is nothing on record to demonstrate that the intended second appeal raises questions of law for consideration.
5. There is no evidence of pauperism of the Applicant.
6. The Application dated 7/9/2018 is hereby rejected and dismissed.

Dated, Signed and Delivered at SIAYA this 24th Day of September 2018.

R.E. ABURILI

JUDGE