

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

MISC. CRIMINAL NO. 39 OF 2018

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

EVANS ODHIAMBO MWANJA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Appeal against the sentence dated 21/12/2016 in Criminal Case No. 96 of 2016 at BONDO Law Courts, PM's Court)

And

(A Subsequent Judgment that was made on 19/4/2018 in Criminal Appeal No. 1 of 2017 at Siaya High Court before Hon. Lady Justice T.W. Cherere, Judge)

RULING

I have perused the application and affidavit sworn by the applicant convict and filed on 3/7/2018. The Judgment sought to be challenged was delivered on 19/4/2018.

There is no reason given for the delay and no material is placed before this court to demonstrate that the application is a pauper. Being in prison is not evidence of pauperism. In addition, there are no grounds showing points of law upon which the intended second appeal would be premises.

In the circumstances, I find the application as filed lacked in merit. The same are hereby dismissed and file is closed.

Dated, Signed and Delivered at SIAYA this 31st Day of October 2018.

R.E. ABURILI

JUDGE