

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

HC. CR. MISC. APP. NO. 66 OF 2018

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

MAURICE OUMA WAKANGARUO.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Appeal against the sentence dated 23.12.2015 in Criminal Case No. 77

of 2015 at UKWALA Law Courts, before R.M. Oanda, RM)

And

(A Subsequent Judgment that was made on 25.1.2017 in Criminal Appeal No. 1 of 2016

at Siaya High Court before Hon. Justice J.A. Makau, Judge)

RULING

I have perused the applications dated 7/9/2018. I note that the judgment sought to be challenged was delivered on 25th January 2017 by Hon. J.A. Makau J and it is now nearly 2 years without any challenge thereof. No reasons have been given to the delayed filing of the appeal as the proceedings and judgment are typed and on record.

In addition, there is no material to support the leave sought to file appeal as a pauper. Being lawfully incarcerated is not a ground of pauperism.

The intended second appeal can only be lie on points of law which are not demonstrated.

Accordingly, I find the application lacking in substance. The same is hereby dismissed.

The file is closed.

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

R.E. ABURILI

JUDGE