



**Oluoch v Republic (Miscellaneous Criminal Application  
E063 of 2024) [2025] KEHC 513 (KLR) (17 January 2025) (Ruling)**

Neutral citation: [2025] KEHC 513 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
MISCELLANEOUS CRIMINAL APPLICATION E063 OF 2024**

**DK KEMEL, J  
JANUARY 17, 2025**

**BETWEEN**

**THOMAS OWUOR OLUOCH ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant herein Thomas Owuor Oluoch has filed an application on 26/6/2024 seeking leave to lodge an appeal to Court of Appeal out of time against the judgment of Aburili J, dated 17/1/2022.
2. I have considered the application together with the affidavit in support thereof. It is not in dispute that the Applicant was sentenced to serve 50 years imprisonment vide Siaya HCCR No. E008 of 2020 by Aburili J dated 17/1/2022. It is also not in dispute that the Applicant had already filed his Notice of Appeal on 18/2/2022. It is also not in dispute that the Applicant filed Cr. Misc. Application No. E096/2022 seeking for leave to lodge appeal out of time which was dismissed on 11/20/2022 by Aburili J. It is also not in dispute that the Applicant filed another application vide Misc. Criminal Application No. E084 OF 2023 which was again dismissed on 21/5/2024 by Ogembo J after the Applicant informed the court that he had filed an appeal at the Court of Appeal which was then still pending. The Applicant has now filed the present application seeking for leave to lodge appeal out of time. As two similar applications had been determined regarding the same issue, I find the present application is clearly an abuse of court process. It is instructive that the Applicant has neither lodged an appeal against the said dismissal nor a review of those orders. Further, the Applicant in his own words informed the court vide Cr. Misc. Application No. E084 of 2023 on the 27/2/2024 that he had already lodged an appeal against the judgment of this court and which was still pending. If this was the position, then it is highly likely that the Applicant’s appeal is still at the Court of Appeal and therefore he need not to come back to this court. hence, the latest application must be rejected.



3. In view of the foregoing observations, I find the Applicant's application filed on 26/6/2024 is bereft of any merit. The same is dismissed.

**DATED AND DELIVERED AT SIAYA THIS 17<sup>TH</sup> DAY OF JANUARY, 2025.**

**D. KEMEI**

**JUDGE**

In the presence of:

Thomas Owuor Oluoch.....Applicant

M/s Kerubo.....for Respondent

Mboya.....Court Assistant

