



**Shamala v Republic (Miscellaneous Criminal Application
E025 of 2024) [2024] KEHC 4349 (KLR) (19 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 4349 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E025 OF 2024**

**RE ABURILI, J
APRIL 19, 2024**

BETWEEN

FERDINAND SHAMALA APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in Principal
Magistrate's Court Criminal Case No. 134 of 2019 at Kakamega)*

RULING

1. I have considered the application dated 21st February 2024 by the Convict Ferdinand Shamala, seeking leave of court to appeal out of time from Kakamega Chief Magistrate Court Criminal Case No. 134 of 2019 from Judgment and sentence passed on 14th April 2022 which is over 2 years ago.
2. The Applicant in his affidavit in support deposes that he was convicted of the offence of defilement contrary to Section 8(1) and 8 (3) of *Sexual Offences Act* and further claims that the ingredients of Robbery with violence were not proved beyond reasonable doubt.
3. He seems not to understand his case. Furthermore, he was convicted by a Kakamega court and his appeal would be before Kakamega High Court which can also grant him leave to appeal out of time.
4. He claims to have been sentenced to serve twenty (20) years' imprisonment.
5. I decline to grant the orders sought as the convict was not sentenced by a court within the jurisdiction of Kisumu High Court and it is not clear why he has taken over 2 years to file this application in Kisumu High Court and not Kakamega High Court.
6. The application dated 21st February 2024 is declined and dismissed.
7. The Applicant/Convict to file his application before Kakamega High Court.



8. Signal to issue.
9. This file is closed.
10. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 19TH DAY OF APRIL, 2024

R. E. ABURILI

JUDGE

