



REPUBLIC OF KENYA



**Ajoki v Republic (Miscellaneous Criminal Application  
E069 of 2024) [2024] KEHC 5701 (KLR) (21 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5701 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CRIMINAL APPLICATION E069 OF 2024**

**RE ABURILI, J**

**MAY 21, 2024**

**BETWEEN**

**STEPHEN ODHIAMBO AJOKI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original conviction and sentence in the Senior Principal  
Magistrate's Court Criminal Sexual Offences Case No.13 of 2019 at Winam)*

**RULING**

1. I have considered the application dated 22<sup>nd</sup> March 2024. The application seeks leave of court to file an appeal out of time from judgment and sentence rendered on 24<sup>th</sup> June 2021 in Winam SPM Sexual Offences Case No. 13 of 2019, sentencing him to serve ten (10) years imprisonment for the offence of gang rape contrary to Section 10 of the [Sexual Offences Act](#).
2. The Applicant claims that he seeks for leave to appeal so that he appeals for sentence reduction.
3. There is no reason why the Applicant/Convict did not appeal from 24<sup>th</sup> June 2021.
4. I find the delay to be inordinate and unexplained. I decline to grant leave sought.
5. The application dated 22<sup>nd</sup> March 2024 is dismissed.
6. This file is closed.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 21<sup>ST</sup> DAY OF MAY, 2024**

**R. E. ABURILI**

**JUDGE**

