



**Madowo v Republic (Miscellaneous Criminal Application
113 of 2023) [2024] KEHC 13476 (KLR) (22 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 13476 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL APPLICATION 113 OF 2023
RE ABURILI, J
OCTOBER 22, 2024**

BETWEEN

ERASTUS OMWONA MADOWO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant Erastus Omwonya Madowo was convicted and sentenced to life imprisonment *vide* Siaya PM SO Case No. 991/2016 for the offence of defilement contrary to Section 8 (2) of the [Sexual Offences Act](#).
2. He appealed *vide* Siaya HCCR No. 85/2017 which appeal was dismissed n 11/11/2019.
3. He now claims that his family did not aid him in getting an advocate to file an appeal hence the application for extension of time to appeal.
4. I have considered the application. The delay is inordinate. I find the application to be an afterthought and intended to defeat justice noting that he defiled a 6 year old child. At his then age of 66 years, he knew what he was doing.
5. From the appeal record, the Court on appeal allowed the convict to mitigate afresh and reduced the life imprisonment to 80 years imprisonment.
6. I find no merit in the application herein which is dismissed.
7. This file is closed.

RULING DATED, SIGNED AND DELIVERED THIS 22ND DAY OF OCTOBER, 2024

R. E ABURILI

JUDGE

