



**Ogombe v Republic (Miscellaneous Criminal Application  
E007 of 2023) [2023] KEHC 638 (KLR) (9 February 2023) (Ruling)**

Neutral citation: [2023] KEHC 638 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
MISCELLANEOUS CRIMINAL APPLICATION E007 OF 2023  
RE ABURILI, J  
FEBRUARY 9, 2023**

**BETWEEN**

**STANLEY MUSUNGU OGOMBE ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Being an Application for leave to appeal in Siaya HCCRC No.  
E015/2021 and Siaya HC Misc. Criminal Application No. E072 of 2022))*

**RULING**

1. I have perused and considered the application filed on 6/2/2023 seeking leave to appeal out of time. I observe that following the sentence pronouncement on 26/6/2022, the convict/applicant herein Stanley Musungu Ogombe filed a Notice of Appeal on 8/7/2022 which is on record. He also sought leave to appeal as a pauper but his application was dismissed on account that there was no evidence of pauperism demonstrated.
2. The court, vide its ruling rendered vide HC Misc Cr Application E072/2022 however made it clear that the convict should pay into court the charges for preparation of appeal record and court proceedings and Judgment if he wished to get copies thereof. He has not done so and instead, he has come back to court seeking leave to appeal out of time.
3. As there is a valid Notice of Appeal on record filed on 8/7/2022, no other leave is necessary for filing of appeal.
4. I find this application to be mischievously filed and an abuse of court process since the applicant/convict already filed a Notice of appeal and this court directed him to pay into court charges for preparation of the appeal record.



5. I now direct the Registry In charge to assess the charges and transmit the same to the applicant/convict requiring payment thereof.
6. The application for leave to appeal out of time is found to be devoid of any substance. It is declined and dismissed.
7. File closed.
8. I so order.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 9<sup>TH</sup> DAY OF FEBRUARY, 2023**

**R.E. ABURILI**

**JUDGE**

