



**Ojwach v Republic (Miscellaneous Criminal Application  
E211 of 2024) [2024] KEHC 12292 (KLR) (15 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 12292 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CRIMINAL APPLICATION E211 OF 2024  
RE ABURILI, J  
OCTOBER 15, 2024**

**BETWEEN**

**ISMAEL GUDA OJWACH ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original conviction and sentence in Nyando Senior  
Principal Magistrate Criminal Sexual Offences Case No. 737 of 2005)*

**RULING**

1. The applicant was convicted and sentenced to life imprisonment on 25<sup>th</sup> July 2006 vide Nyando SPM Sexual Offences Case No. 737 of 2005 for the offence of defilement contrary to Section 145(1) of the Penal Code.
2. He now seeks leave of court to appeal, nearly 20 years later.
3. I find the Applicant/Convict to be mischievous and the application to be an afterthought noting that due to lapse of time, the original court file may never be recovered.
4. The delay is inordinate and not in the interest of justice to grant such an application.
5. The application dated October 1, 2024 is hereby dismissed.
6. The file is closed.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 15<sup>TH</sup> DAY OF OCTOBER, 2024**

**R. E. ABURILI**

**JUDGE**

