



**Khamete v Republic (Miscellaneous Criminal Application E215 of 2024)
[2024] KEHC 14203 (KLR) (13 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14203 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E215 OF 2024
RE ABURILI, J
NOVEMBER 13, 2024**

BETWEEN

JOSEPH AMATABI KHAMETE APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in Winam Senior Principal
Magistrate's Court Criminal Sexual Offences Case No. 536 of 2016)*

RULING

1. On 26th September 2024, this Court dismissed an application dated 12th August 2024 filed by the convict herein Joseph Amatabi Khamete wherein the Court observed that there were no prayers sought in the application, capable of being granted. In other words, nothing was sought from the Court.
2. The Court also observed that the applicant had claimed that he was sentenced to serve 20 years' imprisonment for the offence of defilement contrary to Section 8(1) as read with Section 8(2) of the *Sexual Offences Act* vide Winam SPM Sexual Offences Case No. 536 of 2016 and that he appealed vide HCCRA No. 72 of 2019 which was also dismissed.
3. The Court having found that there were no prayers sought in the application, the applicant cannot purport to file a Notice of Appeal against such decision which found the application devoid of anything for consideration.
4. The applicant has filed another application dated 23rd October 2024 in which he is not even saying what he wants from this court, other than certifying the application as urgent which I find to be an abuse of court process.
5. Convicts cannot expect this Court to waste all the Judicial time recycling the files and hearing applications that are totally incompetent and incapable of being granted.



6. In the circumstances, I find the application dated 23rd October 2024 to be frivolous and vexatious and an abuse of this court's process. Let the applicant get proper advise from paralegals in prison on how to frame prayers in an application before the same is filed into court.
7. No court of law can imagine and grant orders or prayers which are not disclosed in the so-called application.
8. Furthermore, the Notice of Motion dated 23rd October 2024 seeking to challenge this Court's order of 26th September 2024 in itself has no prayers capable of being granted and therefore there is no substance for consideration. It is dismissed.
9. This file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 13TH DAY OF NOVEMBER, 2024

R. E. ABURILI

JUDGE

