



**Songa v Republic (Miscellaneous Criminal Application E197 of 2024)
[2024] KEHC 13812 (KLR) (7 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 13812 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E197 OF 2024
MS SHARIFF, J
NOVEMBER 7, 2024**

BETWEEN

KENNEDY AMONGO SONGA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant Kennedy Amongo Songa was charged, tried and convicted of the offence of defilement contrary to Section 3 of the *Sexual Offences Act* No. 3 of 2006 in Kisumu CM CR. Case No. E011 of 2021. He was then sentenced to serve a custodial term of 20 years on 22.11.2022. He has now moved this court vide a notice of motion dated 5.9.2024, supported by his affidavit of even date wherein he craves leave to file an appeal out of time.
2. The germane of this application is that the appellant's relatives who had initially promised to retain an advocate to lodge an appeal on his behalf failed to do so.
3. The applicant has not adduced any proof of any undertaking by any of his relatives to assist him as alleged. I am therefore not satisfied with the reasons for the delay and I thus decline this application.
4. This file is marked as closed.

DELIVERED, SIGNED AND DATE IN KISUMU THIS 7TH DAY OF NOVEMBER, 2024.

M. S. SHARIFF

JUDGE

