



**Oluoch alias Baba Najuma v Republic (Miscellaneous Criminal Application E227 of 2024) [2024] KEHC 16121 (KLR) (17 December 2024) (Ruling)**

Neutral citation: [2024] KEHC 16121 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CRIMINAL APPLICATION E227 OF 2024  
RE ABURILI, J  
DECEMBER 17, 2024**

**BETWEEN**

**DAVID OCHIENG OLUOCH ALIAS BABA NAJUMA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original conviction and sentence in Winam Senior Principal Magistrate's Court Criminal Sexual Offences Case No. 18 of 2019)*

**RULING**

1. The convict applicant David Ochieng Oluoch alias Baba Najuma was convicted and sentenced to serve 20 years' imprisonment on 10<sup>th</sup> November 2022 which is over 2 years ago, for the offence of defilement contrary to Section 8(1) (3) of the *Sexual Offences Act*.
2. He now seeks leave to appeal out of time. I am not satisfied that the convict who is hosted in a prison with a plethora of paralegal services available could have waited for 2 years to appeal.
3. The applicant to my mind is mischievous and it is not lost to this court that many convicts interfere with court files and investigations files after which they file appeals many years later knowing that those original court files will never be traced so that they can be set free.
4. I decline to grant the orders sought on account of inordinate unexplained delay.
5. The application dated 6<sup>th</sup> November 2024 is dismissed.
6. File closed.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 17<sup>TH</sup> DAY OF DECEMBER, 2024**

**R. E. ABURILI**



**JUDGE**

