

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

MISC. CRIMINAL APPLICATION NO. E057 OF 2021

CORAM: R.E. ABURILI, J

JOANES NYAKWAL DEYA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application seeking Resentence in Criminal Case No. 303 of 2006

at PM's Court, Bondo on 09.10.2020)

RULING

1. The Applicant in his application filed on 18/3/2021 claims that he was convicted vide Bondo PM Cr. Case No. 303/2020 for the offence of threatening to kill and sentenced to serve 3 years imprisonment on 9/10/2020. He did not appeal and claims that he was quarantined after conviction.

2. Quarantine only takes 14 days and not 5 months which the applicant has taken to file this application. The law requires that an appeal be lodged within 14 days of the date of sentencing. The court has power to enlarge that time upon being satisfied that the applicant was prevented from appealing because he did not get proceedings and judgment in good time or for other sufficient reason. There is no evidence that the applicant even sought for court proceedings to enable him appeal.

3. This application is an afterthought.

4. The delay is inordinate and not explained to the satisfaction of the court.

5. The application is dismissed.

6. File closed.

7. Orders accordingly.

DATED, SIGNED AND DELIVERED AT SIAYA, THIS 1ST DAY OF APRIL 2021

R.E. ABURILI

JUDGE