

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MIGORI

PETITION NO. E021 OF 2021

JAPHET EDWARD ONYANGO.....PETITIONER

VERSUS

REPUBLIC.....RESPONDENT

JUDGEMENT

The petitioner, **Japhet Edward Onyango** is absent. I have seen his petition brought under Article 22, 23, 25, 27, (1) (2) 4 and 50(2) 159 and 165 (3) of the Constitution and Section 333(2) of the Criminal Procedure Code.

The appellant had been convicted of the offence of defilement under Section 8(1)(3) of the Sexual Offence Act. He appealed against that judgment in HCCA No. 22 of 2018. J Mrima rendered his judgment on 26th July 2019.

The issues raised in the petition should have been raised in the appeal.

This court has no jurisdiction to hear and determine the petition. The Petition is an abuse of the court process and a waste of the court's precious time.

It is hereby dismissed.

DATED, SIGNED and DELIVERED at MIGORI this 17th day of June, 2021

R. WENDOH

JUDGE

Judgment delivered in the presence of

Absent Petitioner in person.

Mr. Kimanthi for the Republic.

Nyauke Court Assistant