



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MIGORI**

**PETITION NO. E029 OF 2021**

**JOHNSON OMOLLO SOLO.....PETITIONER**

**-VERSUS-**

**REPUBLIC.....RESPONDENT**

**JUDGEMENT**

The petitioner, **Johnson Omollo Solo** 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. 12 of 2019. J Mrima rendered his judgment on 26<sup>th</sup> 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 17<sup>TH</sup> 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