



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT SIAYA**

**MISC. CRIMINAL APPLICATION NO. E118 OF 2021**

**CORAM: R.E. ABURILI, J**

**GODFREY OCHIENG NALO ALIAS KATOTO.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

*(Being an Application arising from conviction and sentence of the Principal Magistrate's court at Bondo in Sexual Offence Case No. 82 of 2019 by Hon S. Mathenge made on 15/7/2020 seeking leave to appeal out of time)*

**RULING**

1. I have considered the application filed on 15/11/2021 seeking for leave of this court to appeal out of time. The applicant claims that he was convicted of rape and sentenced to serve ten (10) years imprisonment.
2. The judgment to be impugned was allegedly rendered on 15/7/2020. There is contradiction on whether the date is 15/7/2020 or 15/7/2021 and no reasons have been advanced for the inordinate delay. The applicant is guilty of unexplained laches.
3. I decline the application and dismiss it.
4. File closed.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 16TH DAY OF NOVEMBER, 2021**

**R.E. ABURILI**

**JUDGE**