

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CRIMINAL APPEAL NO. E024 OF 2021

GEORGE OTIENO OBARE.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

(An Appeal from Judgment, Conviction and sentence

delivered on 27.09.2021 in SRM's Ukwala Criminal Case

No. 611 of 2019 by Hon. C.I. Agutu, Senior Resident Magistrate).

RULING

1. This matter (appeal) is before me for admission under Section 352 of the Criminal Procedure Code.
2. I however note that the judgment which is appealed from was delivered by Ukwala SRM Hon. C.I. Agutu on 27/9/2021.
3. The appeal was herein filed on 14/10/2021.
4. There is no evidence that the leave of court was ever sought and obtained before filing the appeal out of time as the appeal ought to have been filed on or before 11th October 2021. Nonetheless, as 11th October was a Monday after Huduma Day which was on Sunday 10/10/2021, the appeal should have been filed at least by 12/10/2021.
5. The appeal having been filed out of the 14 days stipulated in law, without leave of court, the same is hereby found to be incompetent. The same is hereby struck out.
6. File closed.
7. Appellant's counsel to be notified.
8. Orders accordingly.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 3RD DAY OF NOVEMBER, 2021

R.E. ABURILI

JUDGE