

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

CRIMINAL APPEAL NO. E020 OF 2020

CORAM: R.E. ABURILI, J

POMA GODFREY OUMA.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

(An Appeal from Judgment, Conviction and sentence delivered on 13.4.2017

in SRM's Ukwala Criminal Case No. 639 of 2016 by Hon. G. Adhiambo,

Senior Resident Magistrate and HCRA 42 of 2017-Aburili J ON 17/12/2018).

RULING

1. This appeal arises from *Ukwala SRM SO Case No. 639 of 2016* where the appellant herein Poma Godfrey Ouma and Ouma Walukwe Isaac were jointly charged and convicted of the offence of committing an indecent act with a child aged 15 years. They were however acquitted on the main charge of defilement of a child aged 15 years. They were convicted and each sentenced to serve 10 years imprisonment on the alternative charge.

2. Aggrieved by the said judgment, conviction and sentence, the convicts filed *Siaya HCRA No. 42 and 43 of 2017* which appeals were consolidated by this court and vide a judgment rendered by this court on 17/12/2018, I dismissed with appeals against conviction and sentence and upheld the ten years prison term imposed on the appellants on 13/4/2017 by the trial court.

3. What I am seeing today is another fresh appeal by this appellant Poma Godfrey Ouma filed on 26/10/2020 arising from the same proceedings and judgment of the lower court. The appellant must be so sure that the memory of this court has now faded and he can therefore easily deceive the court and get away with his criminal conduct by abusing the court process.

4. The appeal is before me for admission and the determined appeal file is also availed to me.

5. Without much ado, I must dismiss this appeal summarily as the same is an abuse of court process and mischievous. Accordingly, this appeal is hereby dismissed and file closed.

6. Appellant to continue serving sentence imposed of ten years imprisonment with a stern warning that he should not be a vexatious litigant before this court which is a court of record and keeps a record of all matters filed and determined.

7. File closed.

8. Orders accordingly.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 18TH DAY OF NOVEMBER, 2021

R.E. ABURILI

JUDGE