



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT SIAYA**

**MISC. CRIMINAL APPLICATION NO. E125 OF 2021**

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

**JOSEPH OWINO OMOLLO.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**Being an application seeking leave to file out time from arising from conviction and sentence of the High Court at Siaya in Criminal Appeal No. 55 of 2017 on 07/10/2019)**

**RULING**

1. I have considered the application by the applicant Joseph Owino Omollo as filed on 1/12/2021. He seeks leave to appeal out of time to the Court of Appeal from the judgment of this court rendered in *HCRA 55 of 2017 on 7/10/2019*.
2. However, the court records in our possession shows that after dismissal of his appeal against conviction, this court nonetheless reduced his sentence from life imprisonment to 75 years imprisonment to be calculated from date of his arrest on 3/6/2016.
3. The appellant then filed Notice of Appeal on 15/10/2019. The entire Appeal record from this Court has since been forwarded to the Court of Appeal. There is therefore no file upon which this court can make any other orders as the file was send to the Court of Appeal at Kisumu for consideration of the second appeal.
4. Accordingly, this application for leave to appeal out of time is found to be devoid of merit and is dismissed and the file is hereby closed.
5. Orders accordingly.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 1<sup>ST</sup> DAY OF DECEMBER, 2021**

**R.E. ABURILI**

**JUDGE**