

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

MISC. CRIMINAL APPLICATION NO. E126 OF 2021

CORAM: R.E. ABURILI, J

KEPHA OTIENO OCHIENG.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application for leave to appeal out of time arising

from conviction and sentence of the Principal Magistrate's court

at Siaya in Criminal SO Case No. 29 of 2019 and HCCRA 62/2019)

RULING

1. On 20/2/2020, this court delivered a judgment in **HCRA 62/2019** dismissing the appeal filed by the applicant herein who had been convicted for the offence of defilement contrary to section 8(1) as read with section 8(2) of the Sexual Offences Act in **Siaya PM's Court Cr. SO 29/2019** on 31/7/2019.

2. The applicant is now before court seeking leave to appeal out of time. There is no acceptable reason given for the inordinate delay of nearly two years. This application is an afterthought. I decline the same and dismiss it.

3. File closed.

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

R.E. ABURILI

JUDGE