

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CONSTITUTIONAL PETITION NO. 7 OF 2020

KEVIN ONYANGO OMOLO.....PETITIONER

VERSUS

REPUBLIC.....RESPONDENT

RULING

1. I have perused the application by way of Chamber summons filed in court on 9/6/2020. The Petitioner was sentenced to serve 20 years imprisonment in 2013 for the offence of defilement. He never appealed.
2. He seeks to be heard for the sake of justice for reasons advanced in his affidavit that there are compelling and common reason which would have substantially changed the outcome of his appeal in terms of appropriate sentence and which could have been within his knowledge by exercise of reasonable diligence being indigent into the field of law. He therefore seeks for a special hearing under Articles 22, 23 and as read with Article 165 of the Constitution.
3. He claims that he is remorseful and promises never to repeat the offence and he will be law abiding as he has been rehabilitated and is transformed so he can be reintegrated in society.
4. I have considered the application which was by way of miscellaneous application but changed by the Registry to read High Court Petition. The same is brought under several Articles of the Constitution.
5. Nonetheless, the applicant does not state how his rights have been violated by the conviction and sentence and he makes a generalised statement that he has a compelling and common reason which reason he does not disclose in the application.
6. I find the application does not disclose any reasonable cause of action to warrant a substantive hearing. I proceed to strike it out. The applicant to seek for paralegal assistance to file an appropriate application for consideration by this court.
7. File closed.
8. Orders accordingly.

Dated, signed and Delivered at Siaya, this 11th Day of June, 2020.

R.E. ABURILI

JUDGE