

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

MISC. CRIMINAL APPLICATION NO. 20 OF 2019

CHARLES OTANDO OKELLO.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application under Rule 113 of the Court of Appeal Rules, 2010)

*(From Original Criminal Case No. 16 of 2017 at SRM's Court, Ukwala **and against** Judgment of the*

High Court of Kenya at Siaya in Criminal Appeal No. 62 of 2017 dated 18th December 2018)

RULING

1. I have considered the application under Rule 113 of the Court of Appeal Rules. The judgment intended to be appealed against was rendered on 18/12/2018 which is over 1½ years ago. Although the applicant claims that he had filed a Notice of appeal in time but the same could not be traced, there is no such evidence.

2. In addition, I find no points of law which the applicant intends to rely on to advance the second appeal. There is also no material to support the claim of pauperism by the convict/applicant who was sentenced for defilement contrary to Section 8 (1) as read with Section 8(2) of the Sexual Offences Act.

3. For the above reasons, I find this application devoid of merit. I dismiss it.

4. Filed closed.

Orders accordingly.

Dated, signed and Delivered at Siaya this 16th Day of July, 2020

R.E. ABURILI

JUDGE