

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

MISC. CRIMINAL APPLICATION NO. 16 OF 2020

RICHARD ODHIAMBO.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application for leave to file an appeal out of time under section 349 of the Criminal Procedure Code from Original Criminal Case No. 556 of 2018 at Senior Resident Magistrate's Court, Siaya dated 13.12.2018)

RULING

1. The applicant Richard Odhiambo claims that he was convicted and sentenced to serve 11 years imprisonment on 13/12/2018 by Siaya PM's court for the offence of Maim.
2. He also claims that he never appealed because he was never supplied with copies of proceedings and judgment in time and now wants leave to appeal out of time.
3. I have considered the applicant's application and the 'supporting affidavit' which is not even commissioned. There is no evidence that the applicant ever applied for copies of proceedings and judgment and or that the same were not supplied for all the two years he has been in prison serving sentence.
4. There is no plausible acceptable explanation for the delay in filing the appeal within time. This application is brought with inordinate delay.
5. The applicant is guilty of laches.
6. The application is found to be devoid of merit. The same is hereby found to be an afterthought and is therefore dismissed.
7. File closed.

Dated, signed and Delivered at Siaya, this 22nd Day of July 2020

R.E. ABURILI

JUDGE