



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT SIAYA**

**MISC. CRIMINAL APPLICATION NO. 51 OF 2020**

**KEPHA OTIENO OCHIENG.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

*(Being an Application for Revision of sentence in Criminal (SO) Case No. 29 of 2019 in the Principal Magistrate's Court at Siaya) and HCCRA No. 62 of 2019 in the High Court at Siaya dated 20<sup>th</sup> July 2020 before Hon. Lady Justice R.E. Aburili, J)*

**RULING**

1. I have considered the application under Rule 113 of the Court of Appeal Rules. The intended appeal arises from dismissal of an appeal by this court in HCRA 62/2019.
2. It is therefore a second appeal. There is no draft Petition of Appeal to show what points of law the appellant intends to raise. In addition, being in prison is not evidence of pauperisms to warrant leave to appeal as a poor person.
3. I find the application not merited.
4. The same is dismissed.
5. Orders accordingly.
6. File closed.

**Date, signed and Delivered at Siaya this 1<sup>st</sup> Day of September 2020.**

**R.E. ABURILI**

**JUDGE**