

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

MISC. CRIMINAL APPLICATION NO. 55 OF 2020

WILLIAM MAJANJA MUTO.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application for leave to appeal out of time From original Ukwala SRM Criminal case No. 164/2013 dated 23/7/2014)

RULING

1. I have considered the applicant's application for leave to appeal out of time from Judgment, conviction and sentence of 20 years imprisonment for defilement contrary to Section 8(1) as read with Section 8(3) of the Sexual Offences Act imposed vide Ukwala SRM Cr. Case No. 164/2013 on 23/7/2014 which is over 6 years ago.
2. There is no plausible reason for the delay in lodging the appeal. The applicant clearly but cunningly attaches an undated letter claiming he lodged an appeal No. 84/2019 dated 6/12/2019 at Siaya. No such appeal exists in his name and if it does then why bring this application 9 months later?
3. I find the Applicant to be mischievous.
4. The application is devoid of any merit. The same is hereby dismissed.
5. File closed.
6. Orders accordingly.

Date, signed and Delivered at Siaya this 1st Day of September 2020

R.E. ABURILI

JUDGE