

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CRIMINAL APPEAL NO. 18 OF 2019

SAMSON OMAMO KODANDE.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

(Appeal arising from Ruling in Criminal Case No. 739 of 2014 in the Principal Magistrate's Court at Bondo dated 14.6.2018 before Hon. M. Obiero, Principal Magistrate)

RULING

1. The Application dated 3/8/2020 was brought over one year since the appeal herein was struck out on 2/7/2019 for being incompetently filed without leave of court as it was filed outside the stated period of appeal.
2. In the ground and affidavit supporting the application as sworn by Ms. Peres Odera Advocate, she claims that she applied vide **High Court Miscellaneous Criminal Application No. 8/2019** and obtained leave of court to file the appeal and she claims to have annexed copy of Ruling in the said application. No such Ruling is annexed and neither is there any annexure marked PO1 or order granting leave.
3. I have given the court file to counsel holding brief to peruse the court file and identify such annexures or Ruling but he confirms to court that there is none. There are several letters dated 20/8/2020 addressed to the Deputy Registrar of this court Hon. Muthoni Mwangi, on invitation to the Human Tracking Training by Judicial Training Institute Director, which are irrelevant.
4. The paragraphs in the affidavit also allude to Notice of Appeal which is nonexistent and irrelevant to these proceedings.
5. For the above reasons and for want of proof of leave to appeal out of time and for laches, I hereby find no merit in this application which I hereby dismiss. File is closed
6. Orders accordingly.

Dated, signed and Delivered at Siaya this 7th Day of October, 2020.

R.E. ABURILI

JUDGE

In the Presence of:

Mr. Ochanyo Advocate holding brief for Ms Peres Odera Advocate

Mr. Okachi, Senior Principal Prosecution Counsel for State

Court Assistants: Brenda and Modestar