

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

MISC. CRIMINAL APPLICATION CASE NO. 1 OF 2018

YARE ADAN MOHAMED.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

1. YARE ADAN MOHAMED has applied for leave to appeal out of time. He is aggrieved against the judgment of this Court (Hon. Lesiit J.) made on 5th June, 2013 upholding the judgment of the Senior Principal Magistrate's Court, Isiolo wherein he had been convicted with the offence of defilement contrary to *Section 8 (1) (3) of the Sexual Offenses Act*.
2. The time for appealing expired on 19th June, 2013. There is therefore a delay of four (4) years and six (6) months. That is in all circumstances, inordinate.
3. The reasons advanced for the delay is that he had appealed but his Notice did not get to the Court of Appeal. I do not find the reason advanced to be credible. The applicant has had two courts consider his case.

DATED and DELIVERED at MERU this 1st day of February, 2018.

A. MABEYA

JUDGE