



**REPUBLIC OF KENYA**

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

**MISCELLANEOUS CRIMINAL APPEAL NUMBER 14 OF 2016**

**CORAM: JUSTICE S.M GITHINJI**

**(From original conviction and sentence in criminal case number 1079 of 2016**

**of the Principal Magistrate's Court at Kapenguria)**

**ROBERT PSINON ..... APPELLANT**

**VERSUS**

**REPUBLIC ..... RESPONDENT**

**RULING**

There is no filed appeal in this case. The pending application is for leave to appeal out of time.

The convict pleaded guilty to the offence of 4.7.2016. He was convicted and sentenced on the very same day. The offence he was charged with carries a maximum sentence of life imprisonment. He was sentenced to serve 3 years imprisonment.

All motions regarding plea taking were well observed. Section 348 of the Criminal Procedure Code reads:-

***“No appeal shall be allowed in the case of an accused person who has pleaded guilty and has been convicted on that plea by a subordinate court, except as to the extent or legality of the sentence.”***

The accused in this case has delayed in appealing by about 4 months. No good reason is given for the said delay. Intention to appeal must be an afterthought. He also has no right of appeal given the provisions of section 348 of the CPC. His application is in want of merit and is accordingly summarily rejected and or dismissed.

**S. M. GITHINJI**

**JUDGE**

**7.11.2016**

Ruling be served upon him and the office of ODPP.

**S. M. GITHINJI**

**JUDGE**

**7.11.2016**