



**Charles v Republic (Criminal Application E113 of 2024)
[2024] KEHC 10110 (KLR) (14 August 2024) (Ruling)**

Neutral citation: [2024] KEHC 10110 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL APPLICATION E113 OF 2024
RE ABURILI, J
AUGUST 14, 2024**

BETWEEN

MOSES ODHIAMBO CHARLES APPLICANT

AND

REPUBLIC RESPONDENT

((From the original conviction and sentence in Maseno SPM Sexual offences Case No. 28 of 2019))

RULING

1. On 23/7/2024, the applicant was granted leave to file an appeal out of time from the judgment, conviction and sentence in Maseno SPM S.O. Case No. 28 of 20219 wherein he was charged with the offence of defilement contrary to section 8(1) as read with section 8(3) of the Sexual Offences Act and sentenced to serve Sixteen years imprisonment. The applicant was to file an appeal within seven days of the date of the order. The matter was then scheduled for mention on 1/8/2024 to confirm compliance.
2. On the latter date, nothing transpired and the court assistant has since fixed the matter for mention on 16/10/2024 to confirm compliance, yet the compliance anticipated has been overtaken by events, since there is no notification sent to the applicant to enable him comply.
3. Noting that the appeal shall be filed in a different file, I hereby exercise discretion and review the timeline given for filing of the appeal out of time and enlarge the period given by a further seven Days from the date of service of this order on the applicant so that the leave granted is not in vain.
4. Signal to issue forthwith.
5. As the appeal shall be filed in a different file, the mention dates are recalled and this file is hereby closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 14TH DAY OF AUGUST, 2024

R.E. ABURILI



JUDGE

