



REPUBLIC OF KENYA



KENYA LAW
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**Owuor v Republic (Criminal Application E124 of 2024)
[2024] KEHC 10056 (KLR) (14 August 2024) (Ruling)**

Neutral citation: [2024] KEHC 10056 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL APPLICATION E124 OF 2024
RE ABURILI, J
AUGUST 14, 2024**

BETWEEN

SAMSON ONYANGO OWUOR APPLICANT

AND

REPUBLIC RESPONDENT

(From the original conviction and sentence in WINAM SPM Criminal Case No. E190 of 2022))

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 Tamu SPM Cr Case No. 190 of 2022 wherein he was charged with the offence of stealing contrary to section 278A of the Penal Code and sentenced to serve Seven 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 31/7/2024 to confirm compliance.
2. On the latter date, nothing transpired as the Judge was unwell and the court assistant has since fixed the matter for mention on 9/10/ 2024 to confirm compliance, yet the compliance anticipated has been overtaken by events, and as there is nothing else pending yet the file remains open, with the registry notifying the applicant of the orders issued on 23/7/2024 only on 31/7/2024 after the said orders had lapsed; noting that the appeal shall be filed in a different file, I hereby exercise discretion 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.
3. Signal to issue forthwith.
4. 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

