



**Ochieng v Republic (Miscellaneous Criminal Application  
E003 of 2023) [2023] KEHC 184 (KLR) (24 January 2023) (Ruling)**

Neutral citation: [2023] KEHC 184 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
MISCELLANEOUS CRIMINAL APPLICATION E003 OF 2023  
RE ABURILI, J  
JANUARY 24, 2023**

**BETWEEN**

**VICTOR OUMA OCHIENG ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Being an Application for leave to appeal from Bondo PM Criminal S.O. Case No. 65 of 2020)*

**RULING**

1. I have considered the application for leave to appeal out of time dated January 12, 2023 and filed on January 20, 2023.
2. The applicant deposes that he was convicted by Bondo PM in Criminal S O No 65/2020 on November 3, 2022 and that he was sentenced to serve 20 years imprisonment for the offence of defilement contrary to Section 8(1) as read with Section 8(3) of the *Sexual Offences Act*. He states that he is a layman and could not afford to appeal.
3. I have perused the grounds and I find that the delay in filing the appeal is not inordinate considering the applicant was not represented.
4. I grant leave to the applicant/convict Victor Ouma Ochieng to file an appeal to this court from Bondo PM SO 65/2020. The Petition of Appeal to be filed and served upon the ODPP within 14 days of today.
5. The Registry to notify the applicant in prison.
6. I so order.
7. This file is now closed.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 24TH DAY OF JANUARY, 2023**



**R E ABURILI**  
**JUDGE**

