



**Oware v Republic (Miscellaneous Criminal Application
E006 of 2023) [2023] KEHC 3101 (KLR) (28 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 3101 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E006 OF 2023**

**RE ABURILI, J
MARCH 28, 2023**

BETWEEN

ELIJA ONYANGO OWARE APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. I have considered the application for leave to appeal out of time dated February 10, 2013. The Applicant is Elijah Onyango Oware.
2. He was convicted and sentenced to serve two (2) years imprisonment on December 22, 2022 vide Kisumu Chief Magistrate Criminal Case No. E976 OF 2022 after pleading guilty to the offence of stealing.
3. I find no prejudice in granting the convict leave to appeal out of time as the delay is not inordinate and the leave sought is discretionary but taking into account the right of the Convict to appeal and ventilate his grievances.
4. The prosecution shall have the opportunity to challenge the appeal once filed. I grant the applicant herein leave to appeal out of time
5. The memorandum of appeal to be filed and served upon the ODPP within 14 days of today. This file is closed. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 28TH DAY OF MARCH, 2023

R. E. ABURILI

JUDGE

